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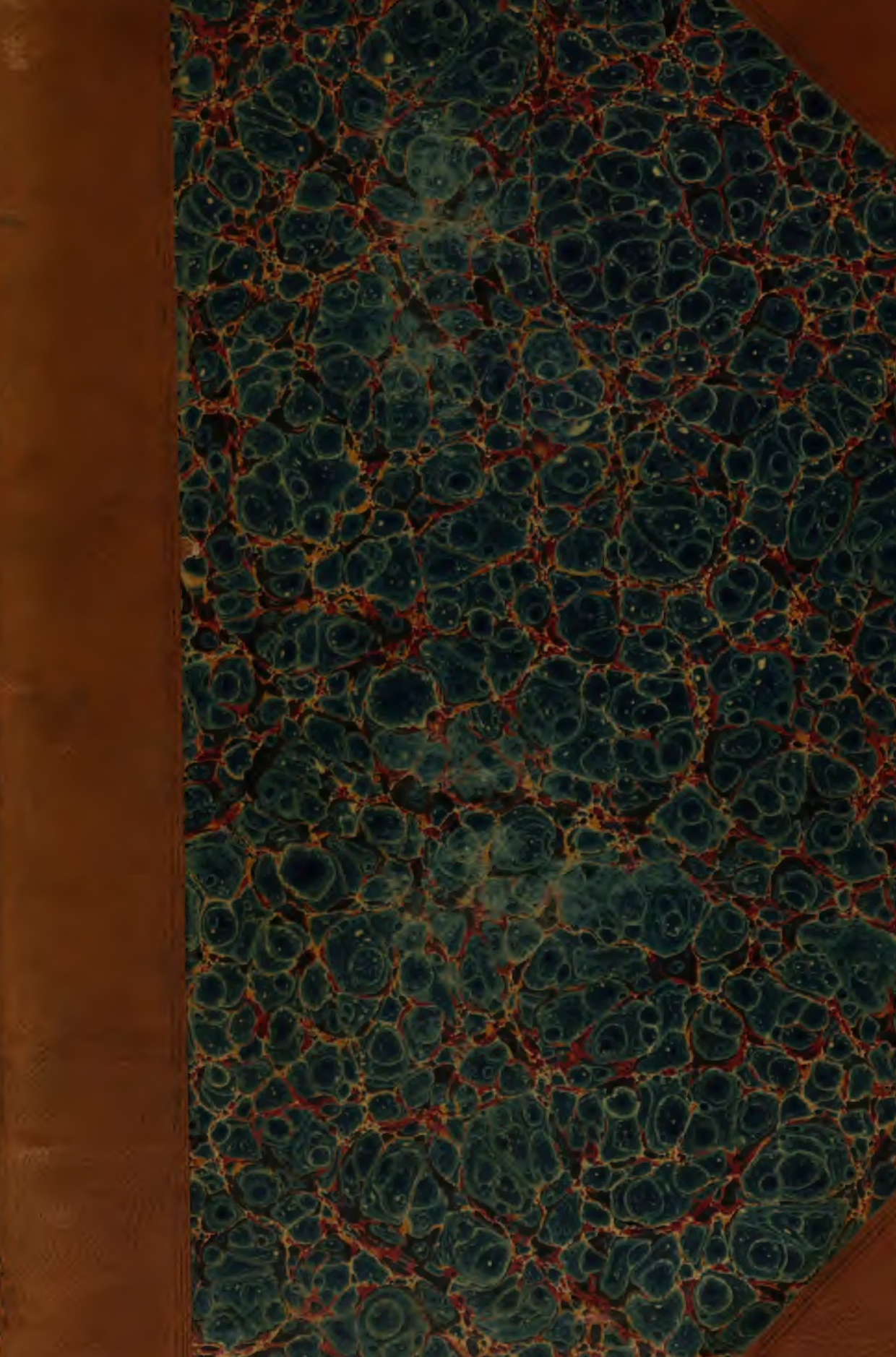
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**T H E**  
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**VOL. XVIII.—PART II.**

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**CONTAINING**

**ORIGINAL ARTICLES ON LEGAL SUBJECTS,  
ALL IMPORTANT STATUTES,  
THE RULES AND ORDERS OF THE VARIOUS COURTS,  
THE GAZETTES, CAUSE LISTS,  
AND MISCELLANEOUS LEGAL INFORMATION,**

**FOR**

**THE YEAR 1854:**

**WITH AN**

**ALPHABETICAL LIST OF BANKRUPTS,**

**AND**

**INDEX OF PRINCIPAL MATTERS.**

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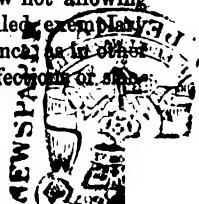
LONDON, JANUARY 14, 1854.

On a former occasion (10 Jur., part 2, p. 465) we took an opportunity of pointing out the numerous exceptions which the progress of society had ingrafted on the common-law rule, "*Actio personalis moritur cum persona*," and at the same time of introducing to the reader an exception which had then recently been made by the 9 & 10 Vict. c. 93, commonly called Lord Campbell's Act, and intitled "*An Act for compensating the Families of Persons killed by Accidents.*" The change effected by that act was a most important one, not only from its having removed an anomaly in our jurisprudence, and having more nearly assimilated the law of England to that of France and Scotland, but also from having opened a much wider field for the application of those principles on which actions for injuries to the person of one, by the wrongful act or default of another, are grounded. Indeed, since the passing of Lord Campbell's Act, these principles have been very fully and learnedly discussed, principally in actions maintained under that statute; and as these recent decisions have resulted in various alterations and modifications of the law in many important respects, it is our intention, at a future period, to bring the principal cases and changes effected by them before the attention of the reader. Our present object is to

discuss such difficulties as have arisen out of the stat. 9 & 10 Vict. c. 93.

As to the maintenance of an action under that act, so far as regards the default and liability of the defendant, no difficulties peculiar to the act itself can arise, as it will appear, on reference to the 1st section, that in that respect all actions of this nature, whether brought by the person injured or by his representative, are governed by the same general principles of the law of negligence. To these we shall not at present more particularly refer, than by directing our readers to the remarks on the cases of *Hutchinson v. The York, Newcastle, and Berwick Railway Company* (19 L. J., Ex., 296) and *Thorogood v. Bryan*, (18 L. J., C. P., 336). It is in the measure of damages to be awarded in each particular case, and the application of such damages when awarded, that the chief difficulties on the act present themselves.

In our first notice of Lord Campbell's Act we remarked on the peculiar application directed by the act of the damages recovered in an action brought in pursuance of it, and also the difficulty which would arise to juries in estimating them. On this latter point, Parke, B., in his charge to the jury, in the very first action which was tried, (*Armsworth v. The South-eastern Railway Company*, 11 Jur., part 1, p. 758), said, "There is very great difficulty cast on the jury as to fixing the amount of the damages, and both they and the judges must be very much at sea on this subject until, by a long course of decisions, some settled principle can be established." And the learned Baron then told the jury, "that they must estimate the damages as if a wound only had been inflicted"—that is to say, compensatory damages only, the English law not allowing vindictive, or, as they are technically called, exemplary damages, in ordinary actions for negligence, as in other cases of tort—such as where blighted affections of a damaged reputation are in question.





Where the party injured brings the action, compensatory damages should consist of such compensation as the jury may think proper for any pecuniary loss the plaintiff may have sustained—such as through consequent expenses incurred by him, loss of salary or profit in business, and also for the pain, suffering, and anxiety occasioned by the cause of action.

This latter ingredient, however, it would appear, is not recognised by the Chief Baron of the Court of Exchequer, though apparently a reasonable one, and otherwise generally admitted. But when the accident proves fatal, it is clear that the damages must be calculated on a different basis, the unfortunate sufferer himself being, in such an event, beyond any earthly compensation, and the claim of the relatives to any compensation at all depending entirely upon the statute giving them the right of action through the personal representative of the deceased. Now, what does the act say? Sect. 2 enacts, "that in every such action the jury may give such damages as they may think proportionate to the injury resulting from such death to the parties respectively for whom and for whose benefit such action shall be brought." The effect of this section was discussed at great length in a recent case, (*Blake v. The Midland Railway Company*, 21 L. J., Q. B., 233), where Parke, B., at Nisi Prius, somewhat varied the principle laid down by him in *Armsworth v. The South-eastern Railway Company*. The case of *Blake v. The Midland Railway Company* was an action by the plaintiff, as administratrix of her deceased husband, for her own benefit, her husband having met his death by the negligence of the defendants. In summing up, the learned judge told the jury that "there were very great difficulties in estimating anything beyond the pecuniary loss which the plaintiff had sustained by the death of her husband, but that if they saw their way to do it, they might do so;" and he added, "that it was for them to consider whether they would confine themselves to the pecuniary loss." The Court of Queen's Bench held this to be a misdirection, and granted a new trial, upon the ground that the learned judge ought more explicitly to have told the jury, that, in assessing the damages, they must not take into consideration the mental suffering of the plaintiff, and that the damages must be considered as excessive, as they certainly exceeded any loss sustained by her, *admitting of a pecuniary estimate*. It was argued, that, by analogy to the law of assythment in Scotland, the relatives of the person killed were entitled to damages, both as an indemnification and as a solatium; and also, that as the party injured, if he had recovered, would have been entitled to a solatium, so were his representatives on his death. But the Court held that the act did not transfer this right of action to the representatives, but gave a totally new right of action, on different principles, and pointed out that by the 2nd section the measure of damage is not the loss or suffering of the deceased, but the injury resulting from his death to the family. In the decision of this case, the argument *ab inconvenienti* appears deservedly to have had great weight, as it might happen that juries would be called on to apportion damages given as a solatium amongst a large family, some of whom might be lunatic, of very

tender years, or even posthumous. This decision, then, carries us one step towards the establishment of a principle on which such damages are to be assessed. They must be given for injuries resulting from the death, and admitting of a pecuniary estimate. But we cannot help thinking that all difficulties on this point are not yet quite removed. On the 15th December, 1852, the case of *Groves v. The London and Brighton Railway Company* was tried at Guildhall, in the Court of Common Pleas, before Jervis, C. J. That was an action brought by the executor of the deceased, for the benefit of four infant children. That the deceased had met with his death through the negligence of the defendants' servants was admitted, the only question being the amount of damages. In summing up, the learned Chief Justice referred to the case of *Blake v. The Midland Railway Company*, and told the jury that in assessing the damages they might take into consideration any injury resulting to the children from the loss of the care, protection, and assistance of their father. The jury gave 2000*l.* Now, if the argument *ab inconvenienti* was permitted to prevail against the allowance of compensation for the mental anguish of the relatives, it ought not, we submit, to be without weight in considering the soundness of this direction. Juries have no small difficulties to contend with in assessing damages when they have before them evidence as to average profits, or the amount of the life income of the deceased, and have the assistance of accountants and annuity tables; but these are but trifling to those in which they must become entangled in attempting a *pecuniary* estimate of the loss of the care, protection, and assistance of a father. In whatever light we look at the subject, either of money or morals, we become perplexed in attempting to pursue it. It is conceived that in such cases evidence may be given of the character of the deceased, and in many cases this would doubtless be of a most painful nature. Moreover, serious practical difficulties would arise. Let us suppose, that through the negligence of a pointman—in the belief of his employers a trustworthy servant—an accident happens to a train containing the six following fathers:—An archbishop, a lord chancellor, an East India director, a lunatic, a wealthy but immoral man, and one virtuous but bankrupt. It is needless to dilate on the difficulties which juries would experience if called upon to estimate the pecuniary value of the parental care, protection, and assistance of each of these. Take one case: the assistance of a father with patronage would be of more pecuniary value than that of one without. Suppose, for instance, that the archbishop was killed, just as the posts and preferments of a Mr. Moore, or some great pluralist, were expected to become vacant, to which the right reverend prelate had intimated his intention of *assisting* his son, in case they both survived that event. This, we admit, is a very extreme case, but still it might happen; and then, we ask, who would be able to estimate the pecuniary loss of the care of such a father? More likely cases, however, easily suggest themselves—such as that of a professional man in good practice, to which he intended to introduce his son.

## Court Papers.

## EQUITY SITTINGS, HILARY TERM, 1854.

## Court of Chancery.

*Before the LORD CHANCELLOR, at Westminster.*

Wednesday... Jan. 11 Appeal Motions and Appeals.

*At Lincoln's Inn.*

Thursday .....	12	Petitions.
Friday .....	13	
Saturday .....	14	
Monday .....	16	Appeals.
Tuesday .....	17	
Wednesday .....	18	
Thursday .....	19	Appeal Motions and Appeals.
Friday .....	20	
Saturday .....	21	
Monday .....	23	Appeals.
Tuesday .....	24	
Wednesday .....	25	
Thursday .....	26	Appeal Motions and Appeals.
Friday .....	27	Petitions.
Saturday .....	28	Appeals.
Monday .....	30	
Tuesday .....	31	Appeal Motions and Appeals.

*Before the LORDS JUSTICES, at Westminster.*

Wednesday... Jan. 11 Appeal Motions.

*At Lincoln's Inn.*

Thursday .....	12	Appeals.
Friday .....	13	Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday .....	14	
Monday .....	16	Appeals.
Tuesday .....	17	
Wednesday .....	18	
Thursday .....	19	Appeal Motions and Appeals.
Friday .....	20	Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday .....	21	
Monday .....	23	Appeals.
Tuesday .....	24	
Wednesday .....	25	
Thursday .....	26	Appeal Motions and Appeals.
Friday .....	27	Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday .....	28	Appeals.
Monday .....	30	
Tuesday .....	31	Appeal Motions.

*Before the Right Hon. the MASTER OF THE ROLLS, at Westminster.*

Wednesday... Jan. 11 Motions.

*At Chancery-lane.*

Thursday .....	12	Petitions in General Paper.
Friday .....	13	
Saturday .....	14	
Monday .....	16	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Tuesday .....	17	
Wednesday .....	18	
Thursday .....	19	Motions.
Friday .....	20	
Saturday .....	21	
Monday .....	23	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Tuesday .....	24	
Wednesday .....	25	
Thursday .....	26	Motions.
Friday .....	27	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Saturday .....	28	

Monday..... 30 Petitions in General Paper.  
 Tuesday..... 31 Motions.

N.B.—Short Causes, Short Claims, Consent Causes, Unopposed Petitions, and Claims, every Saturday. The Unopposed Petitions to be taken first.

Notice.—Consent Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard.

*Before Vice-Chancellor Sir RICHARD T. KINDERSLEY, at Westminster.*

Wednesday... Jan. 11 Motions.

*At Lincoln's Inn.*

Thursday .....	12	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions. (Petition-day).—Cause Petitions (unopposed first).
Friday .....	13	
Saturday .....	14	Short Causes, Short Claims, & Causes.
Monday .....	16	
Tuesday .....	17	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday .....	18	
Thursday .....	19	Motions and Causes.
Friday .....	20	(Petition-day).—Cause Petitions (unopposed first).
Saturday .....	21	Short Causes, Short Claims, & Causes.
Monday .....	23	
Tuesday .....	24	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday .....	25	
Thursday .....	26	Motions and Causes.
Friday .....	27	(Petition-day).—Cause Petitions (unopposed first).
Saturday .....	28	Short Causes, Short Claims, & Causes.
Monday .....	30	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	31	Motions and Causes.

N.B.—Unopposed Petitions, not exceeding ten, at the sitting of the Court, every day except Seal-days.

*Before Vice-Chancellor Sir J. STUART, at Westminster.*

Wednesday... Jan. 11 Motions.

*At Lincoln's Inn.*

Thursday .....	12	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Friday .....	13	
Saturday .....	14	
Monday .....	16	Petitions.
Tuesday .....	17	Short Causes, Short Claims, & Causes.
Wednesday .....	18	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	19	Motions.
Friday .....	20	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
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Thursday .....	26	Motions.
Friday .....	27	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday .....	28	
Monday .....	30	Petitions.
Tuesday .....	31	Motions.

*Before Vice-Chancellor Sir W. P. WOOD, at Westminster.*

Wednesday... Jan. 11 Motions.

*At Lincoln's Inn.*

Thursday .....	12	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Friday .....	13	
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Thursday .....	19	Motions and General Paper.
Friday .....	20	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
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Thursday .....	26	Motions and General Paper.
Friday .....	27	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday .....	28	Petitions, Short Causes, Short Claims, and General Paper.
Monday .....	30	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	31	Motions and General Paper.

### Court of Chancery.

#### EQUITY CAUSE LISTS, HILARY TERM, 1854.

\*.\* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjournd—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*Cl.* Claim—*C.* Costs—*D.* Demurrer—*E.* Exceptions—*F. D.* Further Directions—*M.* Motion—*P. C.* Pro Confesso—*Pl.* Plea—*Ptn.* Petition—*R.* Rehearing—*S. O.* Stand Over—*SA.* Short.

#### Before the LORD CHANCELLOR.

Kekewick v. Marker (Ap to be spoken to).

#### Before the LORDS JUSTICES.

##### APPEALS, &c.

Stronge v. Hawkes (F D, C, by order).	Boye v. Rossborough (Ap)
Jenning v. Broughton (Ap, part heard)	Griffith v. Hemming (Ap)
Bythessea v. Bythessea (Ap)	Albemarle v. Albemarle (Ap)
Vincent v. Fane (Ap)	Pryce v. Bury (Ap)
Whitbread v. Smith (Ap)	Greene v. Broughton (Ap)
	Att.-Gen. v. Mayor, Aldermen, &c. of Rochester (Ap)

#### Before the Right Hon. the MASTER OF THE ROLLS.

##### JUDGMENTS RESERVED.

Lake v. Brutton (Cause)	Robinson v. Robinson (M for decree)
Stainton v. Carron Co. } (D)	Att.-Gen. v. President, &c. of Magdalen College (Cause)
Same v. Same	King's College Hospital v. Whieldon (M for decree)
Agassiz v. Squire (F D, C, Ptn)	Yeoman v. M'Gill (Cause)
Robinson v. Lowater (M for decree)	Avenel v. Cundell (Cl)
Harryman v. Collins (M for decree)	Deane v. Eastern Union Railway Co. (Cl)
Duncan v. Cannan (M for de.)	Same v. Same (Cl)

##### CAUSES, &c.

Baker v. Read } (Cause)	Friend v. Grove (Cause)
Same v. Clement	Norris v. Blount (Cause)
Younger v. Clayton } (Cause)	Smith v. Adams (Cause)
Same v. Edgell	Russell v. Place (Cause)
Clayton v. Younger } (Cause)	Austin v. Austin (Further con.)
Same v. Edgell	Mildmay v. Ranken (Cause)
Este v. Smyth } (Cause)	Att.-Gen. v. Barrington (Ca.)
Same v. White	Dawe v. Grandin (Cause)
Oldman v. Swallow (Further consideration)	Browne v. Thomas (M for decree)
Jacobs v. Richards } (Cl)	Williams v. Williams (Cause)
Same v. Porter	Willard v. Peile (Cause)
Nokes v. Stanbrough } (Cau.)	Lake v. Hilton (Cause)
Same v. Same	Richards v. Richards (Further consideration)

Wood v. Wood } (F D, C, Same v. Same Ptn)	Keddy v. Cottam (Cl)
Allen v. Roberts (Cl)	Hunt v. Jessel (Cause)
Eason v. Nalder (Cause)	Atherton v. Leyland (Further consideration)
Daniel v. Knight (3 titles, F D, C)	Infant Orphan Asylum v. Anderson (Special case)
Varley v. Fiddes (Cause)	Hutchins v. Morris (Cause)
Hersey v. Giblett (Cause)	Armstrong v. Buckland (F D, C)
Loader v. Loader (Further consideration)	Bailey v. Collett (Special case)
Bayfield v. Bayfield (F D, C)	Stockley v. Pearson (Cause)
Knight v. Brown (Cl)	In re Swainson } (Further Clegg v. Clegg } considerat.)
Leigh v. Leigh (Special case)	Att.-Gen. v. Dedham School (5 titles, F D, C)
Mitchinson v. Hodgson (Further consideration)	Iredell v. Iredell (M for decree)
Beetham v. Merigan (Cause)	Swan v. Holmes (Special case)
Parry v. Parry (Further con.)	Shea v. Bochetti (Cl)
Att.-Gen. v. Governors of Sherborne Grammar School (Cause)	Stubbing v. Hitchcock (Cl)
Lawton v. Campion (M for decree)	Murton v. Markby (Cause)
Tuer v. Turner (M for decree)	Metcalfe v. Breese (Further consideration)
Radburn v. Franks (Cl)	Smith v. Humbly (E)
Pittendreich v. Stevenson } (M for Same v. Same } decree)	Cowling v. Bowstead (M for decree)
Stedman v. Collett (Cause)	Farrow v. Matthews (Cl)
	Solley v. Wood } (M for de-Becker v. Same } cree).

#### Before Vice-Chancellor Sir RICHARD T. KINDERSLEY.

##### CAUSES, &c.

Falk v. Gibson (Cause)	Wilcox v. Brown (M for dec.)
Gwennap v. Burns } (F D, C, Same v. Hockley } Ptn)	Wilcox v. Harrop (M for dec.)
Haldren v. Holt (M for dec.)	Ludlam v. Elliott (F D, C)
English v. Baring } (Cause)	Countess of Egremont v. Thompson (3 titles, F D, C)
Baring v. English	Coates v. Coates } (F D, C)
Hitchman v. Stewart } (Cau.)	Wenham v. Coates }
Trail v. Same	Hawkins v. Gathercole (4 titles, cause)
Bishop v. Countess of Jersey (Cause)	Tosswill v. Tosswill (Cause)
Winbolt v. Grant (F D, C)	Notley v. Palmer (F D, C, Ptn)
Barnett v. Cooper (F D, C)	Crouch v. Bonney (Cause)
Neeley v. Lyall (Cause)	Ivall v. Ivall (Further cons.)
Burley v. Lloyd (Further con.)	Scott v. Pritchard (F D, C)
Horner v. Horner } M for de-Same v. Same } cree	Page v. Minton (Cause)
Wordsworth v. Darrell } (E, F Same v. Tufton } D, C)	Davis v. Chanter } (Cause)
Weston v. Bird (Cl)	Same v. Plymssell }
Att.-Gen. v. Brown's } (F D, Hospital }	Wright v. Adams (F D, C)
Same v. French } (C)	Cox v. Middleton (Cause)
Sutton v. St. Leger (F D, C)	Walsley v. Jowett (M for decree)
Kingsley v. Gregory (Cause)	Cotton v. Cotton (Sp. case)
Briant v. Dennett (Cause)	Tennant v. Parker (E)
Pearce v. Peck (Cl)	Churchward v. Randall (F D, C) SA
Att.-Gen. v. Overton (Further consideration)	Maybery v. Brooking (Cause)
Price v. Hamblet } (Cause)	Wilcox v. Twose (Furth. con.)
Same v. Marshall	Pilgrim v. Pilgrim (Cause)
Waters v. Leonard (Cause)	Lord v. Colvin (Cause)
Attorney-Gen. v. Drapers' Co. (Cause)	Usher v. Mould (F D, C)
Mayor of Hythe v. East (F D, C)	Devey v. Fisher (F D, C)
Marshall v. Bremner (F D, C)	Clarke v. Taylor (Further consideration)
Tyrrall v. Clark (Cause)	Hudson v. Whimpole (Cause) SA
	Thrupp v. Edwards (Further consideration).

#### Before Vice-Chancellor Sir J. STUART.

##### PLEAS, DEMURRERS, CAUSES, &c.

Dimes v. Steinberg (D)	Wood v. Midgley (D)
Russell v. M'Culloch (E)	Wakefield v. Bates (Cause, E)
Hunter v. Granger (D)	Gwilline v. Lane (M for dec.)
Dill v. Dill (E)	Fenwick v. Potts (Cause)

Kerby v. Hill (Cause)  
 Stringer v. Fortune (C)  
 Plumridge v. Smith (E)  
 Smith v. Plumridge (Furth. consideration)  
 M'Cormick v. Garnett (3 tits., F D, C)  
 Arnold v. Cospe } (Cause)  
 Cospe v. Arnold }  
 Rushton v. Baddeley (C)  
 Isaacs v. Garcia (4 tits., cau.)  
 Sandford v. Jodrell } (Cause)  
 Same v. Same }  
 Howell v. Evans (Cause)  
 Jortin v. South-eastern Railway Co. (Cause)  
 Rangeley v. Rangeley (F D, C)  
 Smith v. Burn (Adj. from chambers)  
 Lett v. Randall (5 titles, F D, C)  
 Butt v. Hill } (Cause)  
 Same v. Same }  
 Lockhart v. Reilly (F D, C)  
 Barrett v. Ring (M for decree)  
 Crompton v. Huber (M for decree)  
 Williams v. Sturgis } (Cause)  
 Same v. Jones }  
 Hubbersty v. Raines (M for decree)  
 Ward v. Ward } (Cause)  
 Same v. Same }  
 Daniel v. Brown (F D, C)  
 SA  
 Ogden v. Brown (C)  
 Thompson v. Bingham (M for decree)  
 Jones v. Thomas (Cause)  
 Golder v. Golder (F D, C)  
 Meeks v. Ward (M for decree)  
 Roberts v. Ball (Cause)  
 Byass v. Gates (Cause)  
 Coppard v. Byass (C)  
 Lady Langdale v. Briggs (Ca.)  
 Foster v. Cantley (Cause)  
 Tricker v. Tricker (Cause)  
 Higginson v. Willson (M for decree)  
 Charlton v. Jenkinson (Cau.)  
 Mills v. Edge (Cause)  
 Fitzherbert v. Gandolfi (Cau.)  
 Branch v. Hull (Further consideration)  
 Drysdale v. Mace (C)  
 Ramadge v. Cartwright (Cau.)  
 East v. Fleming (M for dec.)  
 Tabb v. Penton (Further consideration)  
 Hope v. Hope (M for decree)  
 Hatton v. Smith (M for dec.)  
 Farrar v. Barraclough (Cause)  
 Isaacs v. Isaacs } (Cause)  
 Same v. Same }  
 Farrer v. Ellwand (F D, C)  
 Baker v. Treble (F D, C)  
 Dale v. Hayes (F D, C)  
 Abbott v. Abbott (C)  
 Kane v. Reynolds (C)  
 Pearce v. Watkins (F D, C)  
 Cator v. Reeves } (Further consideration)  
 Same v. Barnecott }  
 Chambers v. White (3 titles, F D, C)  
 Rose v. Smith (F D, C)  
 Johnson v. Webster (Cause)  
 Lawson v. Meek (F D, C)  
 Bowman v. Cope (C)

Diplock v. Hammond (Cau.)  
 Hawkesworth v. Hawkesworth (Cause)  
 Vaughan v. Harries (5 titles, F D, C)  
 Sherratt v. Shufflebotham (F D, C)  
 Thompson v. Partridge (Cau.)  
 Lord Glenworth v. Lord Mont-eagle (Cause)  
 Butler v. Wright (Cause)  
 Foster v. Brookman (Further consideration)  
 Finch v. Southes (Cause)  
 Evans v. Summers (F D, C)  
 Bates v. Toller (Further consideration)  
 Stow v. Wood } (Cause)  
 Same v. Butcher }  
 Thompson v. Wade (C)  
 Baquet v. Hopkins (Cause)  
 Wilson v. Still (F D, C)  
 Barnes v. Ridgway (Cause)  
 Bristowe v. Hunt (Cause)  
 Domville v. Att.-Gen. } (Fur. consideration)  
 Same v. Bayley }  
 Briggs v. Countess of } (E, Oxford } 2 acts)  
 Same v. Same }  
 Moreton v. Nutt (Cause)  
 Elliott v. Ince (Supp. claim)  
 Alington v. Balmer (C)  
 Marshall v. Marshall (C)  
 Close v. Close (F D, C)  
 Porpa v. Porpa (Cause) SA  
 Lindus v. Shannon (Cause)  
 Lea v. Smith } (Further consideration)  
 Same v. Same }  
 Bentley v. Bacon (F D, C)  
 Tynte v. Buller (C)  
 Trim v. Hubbard (F D, C)  
 Moore v. Beames (M for dec.)  
 Green v. Warden (Cause)  
 Oddy v. Secker (C)  
 Bealy v. Kent (C)  
 Guardians of the Poor of Rom-ford Union v. Beadle (Cau.) SA  
 Bruce v. Morris (3 titles, F D, C)  
 Jones v. Williams (F D, C)  
 Sandford v. Sanders (Cause)  
 Townshend v. Martin (F D, C)  
 Pearson v. Day (C)  
 Hextall v. Cheate } (E, F D, C)  
 Same v. Same }  
 Dixon v. Gillatt (C)  
 Beames v. Moore (M for dec.)  
 Ellice v. Goodson (10 titles, E)  
 Stephenson v. Coalsworth (Cause)  
 Raby v. Ridehalgh (4 titles, F D, C)  
 Cooper v. Cooper (F D, C)  
 Att.-Gen. v. Summers (F D, C)  
 Phelps v. Dearden } (F D, C)  
 Casley v. Monypenny }  
 Monypenny v. Casley }  
 Gibson v. Evans (F D, C)  
 Hoyes v. Kinderley } (E, 2 acts)  
 Hoyes v. Willey }  
 Bateman v. Cooke (3 titles, F D, C)  
 Mander v. Cattell (C)  
 Fletcher v. Metham (F D, C)  
 Goddard v. Gee (3 titles, F D, C)

## Before Vice-Chancellor Sir W. P. Wood.

## PLEAS, DEMURRERS, CAUSES, &amp;c.

Crook v. Eyre (D)  
 Adams v. Scott (Pl)  
 Adams v. Scott (Pl)  
 Adams v. Scott (Pl)  
 Dalrymple v. Hannah (C)  
 Stroud v. Norman (M for decree, part heard)  
 Furneaux v. Luscombe (C)  
 Barford v. Barford (C)  
 Routh v. Blagrave (C)  
 Rowley v. Rowley (Cause)  
 Atkinson v. Oxford, &c. Railway Co. (Cause)  
 Walker v. Poole (Cause)  
 Lowe v. Thomas (M for dec.)  
 Thornton v. Stokill (Cause)  
 Cope v. Harper (Cause)  
 Willcox v. Maule (F D, C)  
 Yeoman v. Chawcroft (Cause)  
 S O to chambers  
 Lindsay v. Botling (C)  
 Etherington v. Dewell (C)  
 Harris v. Martin (M for dec.)  
 Bennell v. Bennell (Sp. case)  
 Fellows v. Page (Special case)  
 Pearsall v. Maundrell (Cause)  
 Lawton v. Anderton (Cause)  
 Forley v. Bishopp (M for dec.)  
 Stoddart v. Zotti (Cause)  
 Bebb v. Bunny (M for decree)  
 Hagger v. Nealby (Sp. case)  
 Quilter v. Hignell (Sp. case)  
 Douglas v. Douglas (Sp. case)  
 Kennedy v. Kennedy } (Fur. consideration)  
 Same v. Williams } cons.  
 Gilbert v. Gilbert (M for decree)  
 Chapman v. Gilbert (Further consideration)  
 Bell v. Cartwright (Cause)  
 West v. Ray (Special case)  
 Reeve v. Hodson (F D, C)  
 Hull v. Hull (E)  
 Wright v. Papworth (C) SA  
 Massey v. Walsmsley (C)  
 Rostron v. Turner (Sp. case)  
 Lewis v. Maule (Special case)  
 Powiss v. Blagrave (M for decree)  
 Atchison v. Le Mann (Further consideration)  
 Hill v. Pritchard (Special case)  
 Smith v. Johnson (Cause)  
 Gilbert v. Price (Cause)  
 Insole v. James (Cause)  
 Gillet v. Lloyd (Cause)  
 Dean v. Newman (C)  
 Bing v. Coleman (Cause)  
 Startin v. Gloucester & Berkeley Canal Co. (M for dec.)  
 Edelsten v. Vick (M for dec.)  
 Schult v. Kent (M for dec.)  
 Swan v. Webb (Further con.)  
 Allan v. Allan (Further con.)  
 Warwick v. Sturgis (C)  
 Rabbeth v. Squire (M for dec.)  
 Sooby v. Sooby (Further consideration)  
 Leak v. Jones (Cause)  
 Kent v. House (Cause)  
 Cooper v. Cooper (M for dec.)  
 Needham v. Needham (F D, C)  
 Wright v. Hallam (Cause)  
 Ward v. Turner (C)  
 Logdon v. Jocelyne (C)  
 Wagstaff v. Oates (M for dec.)  
 Maule v. Price (M for decree)  
 Blount v. Warwick & Nap-ton Canal Co. (Cause)  
 Thompson v. Same (M for decree)  
 Bennett v. Adkins (M for dec.)  
 Witham v. Gill (Cause)  
 Bailey v. Clark (M for decree)  
 Freeman v. Laslett (F D, C)  
 Crosse v. Young (F D, C)  
 Whitehouse v. Thompson (C)  
 Tyler v. Evans (4 titles, F D, C)  
 King v. King (M for decree)  
 Att.-Gen. v. Sturge (Cause)  
 Webb v. Ledicott } (F D, C)  
 Harrison v. Same }  
 Barber v. Sterry (Cause)  
 Goldsmid v. Stonehaven (C)  
 Harper v. Richards (C)  
 Taylor v. Cargill (3 titles, F D, C)  
 Sillibourne v. Newport (M for decree)  
 Beech v. Keep (Cause)  
 Puckeridge v. Bedford (C)  
 Harris v. Watkins (Further consideration)  
 Burton v. Starkey (M for dec.)  
 Cook v. Sturgis (C)  
 Pollard v. Pollard (C)  
 Westhall v. Bannister (M for decree)  
 Hoffman v. Duncan (M for decree)  
 Wilks v. Jones (M for decree)  
 SA  
 Fisher v. Balls } (C)  
 Same v. Same }  
 Daniell v. Miller (C)  
 Hitchon v. Ormerod (M for decree)  
 Goldney v. Crabb (Cause)  
 White v. Grane (Cause)  
 Blaxland v. Blaxland (Further consideration)  
 Bull v. Champniss (M for dec.)  
 Story v. Walsh (Special case)  
 Espey v. Lake (Cause)  
 Turner v. Newland (Sp. case)  
 Bituminous Shale Co. v. Cassal (C)  
 Burbridge v. Parratt (Cause)  
 Bainbridge v. Swabey (C)  
 Dunning v. Owen (C)  
 Newman v. Gooday (C)  
 Rees v. Gwynne (Cause)  
 Pawson v. Pawson (Cause)  
 Brickendon v. May (C)  
 Evans v. Heath (E)  
 Same v. Same (F D, C)  
 James v. Rice (Cause, P C)  
 Ward v. Burbury (Sp. case)  
 Alden v. Stamps (M for dec.)  
 Stallard v. Williams (M for decree)  
 Darby v. Darby (Special case)  
 Holland v. Treacher (F D, C)  
 Att.-Gen. v. Hudson (Cause)  
 Turnbull v. Wawn (F D, C)  
 Miller v. Hayhurst (M for dec.)  
 Durant v. Jewell (C)  
 Smith v. Smith (M for decree)  
 Lewis v. Clowes (Cause)  
 In re Williams } (Further consideration)  
 Jones v. Williams }  
 Eberhardt v. Roberts (C)  
 Mayor of Faversham v. Ryder (Cause)

Fenn v. Death (Cause)  
 Goodfellow v. Goodfellow (Sp. case)  
 Harper v. Harper (Cl)  
 Semple v. Hagell (Cl)  
 Young v. Lee (Cl) *SA*  
 Watson v. Stokehill (Cau.) *SA*  
 Freeman v. Freeman (Cause)  
 Pope v. Sturgis (Cl) *SA*  
 Keates v. Bell (M for decree)  
 Hart v. Foord (Cl) *SA*  
 Hart v. Smith (Cl) *SA*  
 Broomhead v. Marshall (Cl) *SA*  
 Hudson v. Lovick (Cl) *SA*  
 Jones v. Owen (M for decree)  
 Fox v. Glover (M for dec.) *SA*  
 Neale v. Davies (M for decree)  
 Rouse v. Durant (Cause)

Hooper v. Dobree (M for dec.)  
 Price v. Harvey (Special case)  
 Gabriel v. Neill (Cl)  
 Mathews v. Amlot (M for dec.)  
 Lister v. Boulton (Cl)  
 Kendall v. Boulton (Cl)  
 Sadler v. Warren (M for dec.)  
 Bennion v. Poyser (M for dec.)  
 Potts v. Warwick & Birmingham Canal Co. (Cause)  
 Bird v. Johnson (Cause)  
 Macdonald v. Every (Cause)  
 Harvey v. Harvey (M for dec.)  
 Jones v. Hughes (Cause) *SA*  
 Bevan v. Alleyne } (M for dec.)  
 Same v. Goodeve } *cross*  
 Winch v. Winch (M for dec.)  
 Bell v. Thompson (Further consideration).

## London Gazettes.

FRIDAY, JANUARY 6.

### BANKRUPTS.

CHARLES RAYMOND SMITH, Gloucester-place, New-road, Middlesex, statuary, dealer in marble, dealer and chapman, Jan. 13 at 2, and Feb. 11 at half past 2, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Taylor & Collisson, 28, Great James-street.—Petition dated Jan. 4.

JOSEPH RAYNES, Nottingham, laceman, dealer and chapman, Jan. 17 at half-past 1, and Feb. 21 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Reed & Co., Friday-street, Chapside.—Petition filed Jan. 3.

JOHN TILBURY the younger, Gloucester-place, New-road, Middlesex, coachmaker, Jan. 19 at 1, and Feb. 14 at 2, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Bicknell & Bicknell, 79, Connaught-terrace, Edgeware-road, Middlesex.—Petition filed Jan. 3.

GEORGE WREN LE GRAND, Lambeth-walk, Surrey, grocer, dealer and chapman, Jan. 17 at 1, and Feb. 14 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Weir & Smith, Coopers' Hall, Basinghall-street, London.—Petition filed Jan. 3.

THOMAS WILKINSON, Cambridge Wharf, Wilton-road, Pimlico, and Grosvenor-street, Eaton-square, Middlesex, coal merchant, Jan. 17 at 2, and Feb. 14 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Lawrance & Co., 14, Old Jewry-chambers, London.—Petition filed Nov. 21.

JAMES EVANS and GEORGE DAVEY, Britton Ferry Iron Works, Glamorganshire, ironmasters, dealers and chapmen, Jan. 18 and Feb. 22 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Llewellyn & Randall, Neath, Glamorganshire; Bevan & Girling, Bristol.—Petition filed Dec. 31.

### MEETINGS.

Charles J. Webb, Leadenhall-street, London, silversmith, Jan. 25 at 12, Court of Bankruptcy, London, aud. ac.—A. Cohen, Houndsditch, London, wholesale clothier, Jan. 17 at half-past 11, Court of Bankruptcy, London, last ex.—John B. Crocker, Sheffield, Yorkshire, draper, Jan. 20 at 1, Court of Bankruptcy, London, aud. ac.—G. Turner, St. George's-place, North Brixton, and Wandsworth, Surrey, baker, Jan. 17 at 11, Court of Bankruptcy, London, aud. ac.—William Creebo and John Hay, Mount-st., Lambeth, Surrey, tailors, Jan. 17 at half-past 12, Court of Bankruptcy, London, aud. ac.—Francis Busby, Cambridge, common brewer, Jan. 19 at 1, Court of Bankruptcy, London, aud. ac.—John Salter, Church-land, Whitechapel, and Ratcliff-highway, Middlesex, yeast merchant, Jan. 23 at 1, Court of Bankruptcy, London, aud. ac.—Micah Mellor, Clare, Suffolk, innkeeper, Jan. 19 at 2, Court of Bankruptcy, London, aud. ac.—Allan Stewart Hay, Old Broad-street, London, shipowner, Jan. 19 at 11, Court of Bankruptcy, London, aud. ac.—Samuel Cooper,

Reading, Berkshire, and Brighton, Sussex, auctioneer, Jan. 26 at 12, Court of Bankruptcy, London, aud. ac.—W. Wren, Penge, Surrey, grazier, Jan. 23 at 2, Court of Bankruptcy, London, aud. ac.—Frederick F. Fox, Cornhill, London, tailor, Jan. 19 at 11, Court of Bankruptcy, London, aud. ac.—Joseph Heath, Chesham, Buckinghamshire, chemist, Jan. 19 at half-past 11, Court of Bankruptcy, London, aud. ac.—Charles R. Roper, Church-st. and Bohemia-place, Hackney, Middlesex, chemist, Jan. 20 at 11, Court of Bankruptcy, London, aud. ac.—Joseph Legge and John Legge, Marlborough-road, Brompton, and Churton-street, Belgrave-road, Pimlico, Middlesex, cabinet makers, Jan. 19 at half-past 11, Court of Bankruptcy, London, aud. ac.—Alexander Mitchell, Cardiff, Glamorganshire, draper, Jan. 27 at 11, District Court of Bankruptcy, Bristol, aud. ac.—Alfred August, Norwich, ironmonger, Jan. 31 at 12, Court of Bankruptcy, London, div.—James Tbovey, Watford, Hertfordshire, innkeeper, Jan. 31 at 11, Court of Bankruptcy, London, div.—Joseph Parmenter, Sandle, North Ockenden, Essex, cattle dealer, Jan. 28 at 1, Court of Bankruptcy, London, div.—Henry Wood, Cheltenham, Gloucestershire, draper, Jan. 28 at 12, Court of Bankruptcy, London, div.—John Collins, Middle-yard, Great Queen-street, Lincoln's-inn-fields, Middlesex, wheelwright, Jan. 28 at half-past 11, Court of Bankruptcy, London, div.—William Brunsell, Paternoster-row, London, and Battersea, Surrey, silk manufacturer, Jan. 28 at 11, Court of Bankruptcy, London, div.—Wm. M'Kay, Upper Kennington-lane, Lambeth, Surrey, draper, Jan. 28 at half-past 12, Court of Bankruptcy, London, div.—George Dexter, Egham, Surrey, corn dealer, Jan. 27 at 2, Court of Bankruptcy, London, div.—Jos. Perres, Scarboro'-street, Tenter-ground, Goodman's-fields, Middlesex, tailor, Jan. 27 at 2, Court of Bankruptcy, London, div.—Thomas Arnold, Elmore, Gloucestershire, timber dealer, Jan. 27 at 11, District Court of Bankruptcy, Bristol, fin. div.—Wm. Reilly, Bath, Somersetshire, livery-stable keeper, Jan. 27 at 11, District Court of Bankruptcy, Bristol, fin. div.—John Spittlehouse, Sheffield, Yorkshire, joiner, Jan. 28 at 12, District Court of Bankruptcy, Sheffield, div.—James Bairstow, Ovenden, Halifax, Yorkshire, worsted stuff manufacturer, Jan. 27 at 11, District Court of Bankruptcy, Leeds, div.—James Wild the elder, Sheffield, Yorkshire, ivory dealer, Jan. 28 at 12, District Court of Bankruptcy, Sheffield, div.

### CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

James Roberts, Coal Harbour, Blackwall, Middlesex, wood merchant, Jan. 27 at 1, Court of Bankruptcy, London.—Chas. Geal, East-row, Kensall New-town, Middlesex, grocer, Jan. 27 at 11, Court of Bankruptcy, London.—James Phillips, Bristol, hatter, Feb. 1 at 11, District Court of Bankruptcy, Bristol.—Thomas Barraclough, Southowram, Halifax, Yorkshire, woollen spinner, Jan. 27 at 11, District Court of Bankruptcy, Leeds.

To be granted, unless an Appeal be duly entered.

Charles Percival, Church-street, Greenwich, Kent, dealer in china.—Thos. Shoodbridge, Wood-street, Chapside, London, warehouseman.—Henry Turbeville Edwards, Liverpool, builder.

### PARTNERSHIP DISSOLVED.

Richard Ecroyd Payne, Edwin Eddison, Robert Lawson Ford, and William North, Leeds, Yorkshire, attorneys-at-law and solicitors in Chancery, (so far as respects William North).

### SCOTCH SEQUESTRATIONS.

David Walker, Prestonpans, Haddingtonshire, grocer.—Wm. Hunter, Glasgow, commission merchant.

### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

John Bensley, Ranworth, Norfolk, cordwainer, Jan. 20 at 10, County Court of Norfolk, at Norwich Castle.—R. Shaw, Ecclefield, Yorkshire, miner, Jan. 18 at 12, County Court of Yorkshire, at Sheffield.—Jacob Wilkinson, Sheffield, Yorkshire, shopkeeper, Jan. 18 at 12, County Court of Yorkshire,

at Sheffield.—*T. Baker* the younger, Bosham, Sussex, carrier, Jan. 18 at 11, County Court of Sussex, at Chichester.—*Charles Stawpe*, Westerton, near Chichester, Sussex, out of business, Jan. 18 at 11, County Court of Sussex, at Chichester.—*John Pyke*, North Savernake, Wiltshire, attorney, Jan. 17 at 12, County Court of Wiltshire, at Marlborough.—*George Coupe*, St. Helen's, Lancashire, joiner, Jan. 18 at 12, County Court of Lancashire, at St. Helen's.—*Wm. Two Wootton*, Halifax, Yorkshire, surgeon, Jan. 20 at 10, County Court of Yorkshire, at Halifax.—*Thomas Wilson*, Halifax, Yorkshire, grocer, Jan. 20 at 10, County Court of Yorkshire, at Halifax.—*Benjamin Barber*, Halifax, Yorkshire, gardener, Jan. 20 at 10, County Court of Yorkshire, at Halifax.—*W. Wicks*, Norwich, Norfolk, schoolmaster, Jan. 20 at 10, County Court of Norfolk, at Norwich.—*George Hewitt*, Norwich, Norfolk, ironfounder, Jan. 20 at 10, County Court of Norfolk, at Norwich.—*John Corns*, Wolverhampton, Staffordshire, millmaker, Jan. 24 at 9, County Court of Staffordshire, at Wolverhampton.—*David Grimes*, Wolverhampton, Staffordshire, plasterer, Jan. 24 at 9, County Court of Staffordshire, at Wolverhampton.—*James Cockerell*, Dennington, Suffolk, farmer, Jan. 20 at 10, County Court of Suffolk, at Framlingham.—*Richard Woodrow*, Diss, Norfolk, master baker, Jan. 27 at 11, County Court of Suffolk, at Eye.—*W. David Jones*, Llangeftni, Anglesey, chemist, Jan. 23 at 10, County Court of Anglesey, at Llangeftni.—*Edwin Bray*, Brede, Sussex, veterinary surgeon, Jan. 30 at 12, County Court of Sussex, at Rye.—*George Rich*, Carfax, Horsham, Sussex, cabinet maker, Jan. 17 at 12, County Court of Sussex, at Horsham.—*John Morgan*, Maesteg, Llangonoyd, Glamorganshire, miner, Jan. 18 at 10, County Court of Glamorganshire, at Bridgend.—*James Stiles Allwood*, Sketty, near Swansea, Glamorganshire, coach builder, Jan. 17 at 10, County Court of Glamorganshire, at Swansea.—*Henry Hudson*, Kingston-upon-Hull, coal agent, Jan. 13 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*Charles Wm. Bewsher*, Canterbury, Kent, clerk, Jan. 18 at 11, County Court of Kent, at Canterbury.—*B. Charles Vincent*, Canterbury, Kent, shoemaker, Jan. 18 at 11, County Court of Kent, at Canterbury.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Jan. 20 at 10, before the CHIEF COMMISSIONER.*

*Moses Lovell*, Holmes-terrace, Kentish-town, Middlesex, furnishing ironmonger.

*Jan. 21 at 11, before Mr. Commissioner PHILLIPS.*

*Milling Miller*, Westmoreland-buildings, Bartholomew-cloze, Aldersgate-street, Middlesex, coachman.—*Chas. Manning*, Whitcomb-st., Haymarket, Middlesex, greengrocer.—*John Francis*, Lower Chapman-st., Commercial-road East, St. George's-in-the-East, Middlesex, draper's assistant.

*Jan. 23 at 11, before the CHIEF COMMISSIONER.*

*Benjamin Blunden* the elder, Atkinson-place, Brixton, Surrey, tailor.—*Richard Hustler*, York-chambers, York-buildings, Adelphi, Middlesex, student-at-law.

*Jan. 23 at 11, before Mr. Commissioner PHILLIPS.*

*Charles Bristow*, St. Leonards-st., Bromley, Middlesex, baker.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Jan. 20 at 10, before the CHIEF COMMISSIONER.*

*Charles Burfoot*, Middle-hill, Egham, Surrey, labourer.—*Thomas Barber Johnson*, Tower-dock, Tower-hill, London, assistant to an auctioneer.

*Jan. 21 at 11, before Mr. Commissioner PHILLIPS.*

*Wm. M. Harding*, Sidney-street, Fulham-road, Middlesex, commission agent.

*County Court of Lancashire, at Lancaster. Assignees have been appointed in the following Cases:—*

*John Leedam*, Lower House, near Burnley, tailor, No. 77,295; *Wm. M'Gill*, assignee.—*Richard Winder*, Blackpool, shoemaker, No. 77,286; *Joseph Coulston*, assignee.—*John Mather*, Liverpool, out of business, No. 77,314; *James Calvin*, assignee.—*J. Wignall*, widow, Southport, No. 77,378; *John Grice*, assignee.—*John Edgington*, Everton, Liverpool, assistant to a corrugated iron manufacturer, No. 77,316; *W. Watson*, assignee.—*Wm. Holden*, Blacksnipe over Darwin, near Blackburn, blacksmith, No. 77,291; *Edmund Holden*, assignee.—*Richard Holden*, Lime Hills over Darwin, near Blackburn, quarryman, No. 77,292; *Edmund Holden*, assignee.—*James Townley*, Great Horrocks, Manchester, coal dealer, No. 77,290; *Samuel Dewhurst*, assignee.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Lancashire, at LANCASTER, Jan. 20 at 12.*

*David Clegg*, Colne, farmer.—*Wm. Simpson*, Chorlton-upon-Medlock, Manchester, pianoforte maker.—*R. Bradley*, Accrington, builder.—*John Lomas*, Glasgow, pattern designer.—*Holt Edmondson*, Hulme, Manchester, commercial traveller.—*R. Airey*, Lancaster, letter carrier.—*James Meller* the younger, Hollinwood, near Oldham, grocer.—*William J. Wood*, Manchester, commercial traveller.—*John Bradbury*, Heaton Norris, hosiery.—*William Dawson*, Lower Crumpsall, near Manchester, grocer.—*Wm. Cross*, Little Bolton, Bolton-le-Moors, out of business.—*Wm. Haynes*, Droyladden, near Manchester, grocer.—*Thomas Billington*, Preston, out of business.—*John Meadows*, Scarth-hill, near Ormskirk, farm labourer.—*Richard Makin*, Manchester, hat manufacturer.—*Samuel Lees*, Manchester, warehouseman.—*Robert Wellock*, Toxteth-park, Liverpool, butcher.—*Hamlet Lowe*, Hulme, Manchester, painter.—*Thos. Wilson*, Blackburn, fishmonger.—*John Taylor*, Preston, out of business.—*A. Stephenson*, Pendleton, near Clitheroe, farm labourer.—*H. P. Watson*, Preston, auctioneer.—*Mark Briggs*, Manchester, bricklayer.—*James France*, Blackburn, ginger beer manufacturer.—*T. Greenlees*, Salford, baker.—*S. Schofield*, Oldham, mechanic.—*D. S. Hadsor*, Manchester, fireman.—*Francis Winnington*, Chorlton-upon-Medlock, Manchester, brewer's traveller on commission.—*C. G. Long*, Liverpool, commission agent.—*Richard S. M. Sprye*, Sphinx Lodge, Chelsea, Middlesex, genealogical researcher and compiler.

*At the County Court of Hampshire, at WINCHESTER, Jan. 20.*

*Richard Light*, Brockenhurst, railway-gate keeper.

*At the County Court of Glamorganshire, at CARDIFF, Jan. 20.*

*Wm. White*, Swansea, seedsman.—*David Morgan*, Dol-lais, near Merthyr Tydvil, carpenter.

*At the County Court of Norfolk, at NORWICH, Jan. 21 at 10.*

*Roger C. Miller*, Bramerton, near Norwich, dealer in cattle.—*Wm. Harbour*, Diss, grocer.—*Wm. Hempelman*, Ormesby, out of business.

*At the County Court of Kent, at DOVER, Jan. 23 at 11.*

*John Davis Paine*, Bear-lane, Christchurch, Surrey, and Lee, Kent, surveyor.

*At the County Court of Sussex, at LEWES, Jan. 24.*

*George Hoey* the younger, South Malling, Lewes, tinman.

TUESDAY, JANUARY 10.

## BANKRUPTS.

**JAMES HART**, Borough-road, Southwark, Surrey, engineer, machinist, ironfounder, and boiler maker, Jan. 20 at half-past 11, and Feb. 23 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Murrough, 5, New-lan.—Petition filed Jan. 6.

**JOHN READ**, Hart-street, Bloomsbury, Middlesex, licensed victualler, tavern keeper, dealer in foreign wines and spirituous liquors, dealer and chapman, Jan. 20 at half-past 12, and Feb. 16 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Roberts, Spring-gardens, Whitehall.—Petition filed Jan. 6.

**WILLIAM HARRIS SPICER**, (trading under the name of William Spicer), Dudley, Worcestershire, and Wolverhampton, Staffordshire, hatter and hosier, Jan. 21 and Feb. 11 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Harding, Birmingham.—Petition dated Dec. 20.

**JOSEPH THURMAN**, Birmingham, woollendrapery, Jan. 21 and Feb. 11 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Motteram & Knight, Birmingham; Ashurst & Son, 6, Old Jewry, London.—Petition dated Dec. 20.

**THOMAS PITT**, Haselbury Plucknett, Somersetshire, girth web manufacturer and shopkeeper, Jan. 19 and Feb. 16 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Slade & Vining, Yeovil; Terrell, Exeter.—Petition filed Dec. 27.

**JAMES HOWARD**, Great Grimsby, Lincolnshire, and Manningtree and Mistley, Essex, shipowner, wharfinger, and fish contractor, dealer and chapman, Jan. 25 and Feb. 22 at 12, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Carrick; Sols. Bond & Barwick, Leeds; J. & J. H. Linklater, 17, Sise-lane, London.—Petition dated Jan. 5.

**JOHN ROTHWELL**, Southport, Lancashire, grocer, dealer and chapman, Jan. 20 and Feb. 17 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Wason & Fletcher, Liverpool.—Petition filed Jan. 4.

**WILLIAM FALLA**, Hulme, Lancashire, builder, Jan. 20 and Feb. 10 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sols. J. & B. Whitworth, Manchester.—Petition filed Jan. 4.

**JOHN KAY**, Prestwich, Lancashire, calico manufacturer, Jan. 25 and Feb. 20 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sol. Chew, Manchester.—Petition filed Dec. 30.

#### MEETINGS.

*Daniel Antrobus*, Manchester, sharebroker, Jan. 20 at 12, District Court of Bankruptcy, Manchester, ch. ass.—*Charles G. German* the younger, Portsmouth, Southampton, licensed victualler, Feb. 2 at half-past 12, Court of Bankruptcy, London, last ex.—*John Hodges* and *John F. Hodges*, New Bond-street, Middlesex, hosiers, Jan. 21 at half-past 12, Court of Bankruptcy, London, and ac. joint est., and aud. ac. sep. est. of *John F. Hodges*.—*Frederick Philip R. Webb*, Nicholas-lane, Lombard-street, London, merchant, Jan. 21 at 12, Court of Bankruptcy, London, and ac.—*H. Edwards*, Brighton, Sussex, builder, Jan. 21 at 12, Court of Bankruptcy, London, and ac.—*James Deacon*, Oxford, builder, Jan. 21 at 12, Court of Bankruptcy, London, and ac.—*Joseph Bradstreet*, Pearson-street, Kingsland-road, and Great Cambridge-street, Hackney-road, Middlesex, miller, Jan. 24 at 12, Court of Bankruptcy, London, and ac.—*Eliza Lloyd*, Wigmore-street, Cavendish-square, Middlesex, dressmaker, Jan. 24 at 1, Court of Bankruptcy, London, and ac.—*Wm. Booth*, Commercial-road, Lambeth, Surrey, out of business, Jan. 24 at 1, Court of Bankruptcy, London, and ac.—*John Page Reilly*, Litherland, Lancashire, coal merchant, Jan. 26 at 11, District Court of Bankruptcy, Liverpool, and ac.—*Adam Watson*, *George Mackenzie*, and *Murdoch Mackenzie*, Liverpool, shipbrokers, Jan. 26 at 11, District Court of Bankruptcy, Liverpool, and ac. joint est.; Feb. 3 at 11, div. sep. est. of *Murdoch Mackenzie*.—*Robt. Walker*, Stalybridge, Lancashire, grocer, Jan. 26 at 12, District Court of Bankruptcy, Manchester, and ac.; Feb. 2 at 12, div.—*William Salmon*, Manchester, leather dealer, Jan. 23 at 12, District Court of Bankruptcy, Manchester, and ac.—*James Wild* the elder, Sheffield, Yorkshire, ivory dealer, Jan. 21 at 12, District Court of Bankruptcy, Sheffield, and ac.—*John Spittlehouse*, Sheffield, Yorkshire, joiner, Jan. 21 at 12, District Court of Bankruptcy, Sheffield, and ac.—*John Davis*, Colney Hatch, Middlesex, licensed victualler, Feb. 1 at half-past 11, Court of Bankruptcy, London, div.—*Henry Biggs*, Bermondsey-street, Southwark, Surrey, gelatine manufacturer, Feb. 1 at 1, Court of Bankruptcy, London, div.—*Thos. Lamb Atkinson*, Wood-

street, London, linen warehouseman, Feb. 1 at 11, Court of Bankruptcy, London, div.—*John Dawes*, *William Noble*, *Richard H. Croft*, and *Richard Barwick*, Pall-mall, Middlesex, bankers, Jan. 31 at 1, Court of Bankruptcy, London, div.—*John Power* and *John Wallace*, Liverpool, merchants, Feb. 3 at 11, District Court of Bankruptcy, Liverpool, div.—*Robert Rutherford*, St. John's, Newfoundland, merchant, Feb. 1 at 12, District Court of Bankruptcy, Manchester, div.—*John Chell*, Manchester, oilman, Jan. 31 at 12, District Court of Bankruptcy, Manchester, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Augustus Fisher*, Mincing-lane, London, colonial broker, Feb. 1 at 12, Court of Bankruptcy, London.—*Henry Biggs*, Bermondsey-street, Southwark, Surrey, gelatine manufacturer, Feb. 1 at half-past 12, Court of Bankruptcy, London.—*Fred. Freeman Cobb*, Dover, Kent, grocer, Feb. 1 at 1, Court of Bankruptcy, London.—*John Wilding*, Openshaw, Lancashire, boiler maker, Feb. 3 at 12, District Court of Bankruptcy, Manchester.—*Jos. Skafie*, Keighley, Yorkshire, corn miller, Feb. 2 at 11, District Court of Bankruptcy, Leeds.

*To be granted, unless an Appeal be duly entered.*

*John Clark*, St. Aldates, Oxford, livery-stable keeper.—*Edward Roe Bensley*, Cornwall-cottage, Hornsey-road, Holloway, Middlesex, builder.

#### PARTNERSHIPS DISSOLVED.

*Wm. Ostler*, *John Lely Ostler*, and *Wm. Cochran*, Grantham, Lincolnshire, attorneys and solicitors.—*Frederick Bishop* and *Wykeham Wheeler*, Shelton, Staffordshire, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*Wm. Bennet*, Dundee, merchant.—*Wm. Treadwell*, Port-Glasgow, wine merchant.—*Thos. Monteath & Son*, Devon-side, near Tillicoultry, woollen manufacturers.—*James Reid*, Cupar-Angus, Perthshire, shoemaker.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*James Overton*, Romsey, Southampton, dairyman, Jan. 24 at 10, County Court of Southampton, at Southampton.—*T. Cooke*, Lewes, Sussex, upholsterer, Jan. 24 at 11, County Court of Sussex, at Lewes.—*Wm. Skidrick*, Cambridge, out of business, Jan. 26 at 10, County Court of Cambridgeshire, at Cambridge.—*Arthur Humphreys*, Kington, Herefordshire, cabinet maker, Jan. 26 at 10, County Court of Herefordshire, at Kington.—*F. Peters*, Portslade, near Brighton, Sussex, miller, Jan. 14 at 10, County Court of Sussex, at Brighton.—*John Stapley*, Brighton, Sussex, town carter, Jan. 28 at 10, County Court of Sussex, at Brighton.—*William Cheesman Peters*, Portslade, near Brighton, Sussex, miller, Jan. 14 at 10, County Court of Sussex, at Brighton.—*George Pratten*, Bridgewater, Somersetshire, beer-house keeper, Jan. 17 at half-past 9, County Court of Somersetshire, at Bridgewater.—*Edward Jarman*, Bridgewater, Somersetshire, cap dealer, Jan. 17 at half-past 9, County Court of Somersetshire, at Bridgewater.—*Richard Meyrick*, Cheltenham, Gloucestershire, out of business, Jan. 27 at 10, County Court of Gloucestershire, at Cheltenham.—*William Jessop*, Huddersfield, Yorkshire, slay maker, Jan. 23 at 10, County Court of Yorkshire, at Huddersfield.—*George Crouch Bartlett*, Andover, Southampton, baker, Jan. 21 at 11, County Court of Hampshire, at Andover.—*James Brownjohn*, Gloucester, retailer of beer, Jan. 25 at 10, County Court of Gloucestershire, at Gloucester.—*Abel Leach*, Gloucester, boot maker, Jan. 25 at 10, County Court of Gloucestershire, at Gloucester.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Jan. 25 at 10, before the CHIEF COMMISSIONER.*

*Henry James Ellis*, King-street, Soho, Middlesex, out of



business.—*Wm. Woods* the younger, Strand, Middlesex, commercial traveller.

*Jan. 25 at 10, before Mr. Commissioner MURPHY.*

*James Stoddart*, Broke-road, Dalston, Middlesex, agent for the purchase and sale of pianofortes.—*Maria Ann York*, spinster, Tunbridge Wells, Kent, daily governess.—*W. Bennett*, St. James-st., Islington, Middlesex, carpenter.—*George Le Cren*, Navarino-terrace, Dalston, Middlesex, out of business.—*William Quinton*, Cottage-place, Brompton-square, Brompton, Middlesex, coal merchant.

*Saturday, Jan. 7.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*George Gallaway*, Upper Weymouth-st., High-st., Marylebone, Middlesex, colourman: in the Debtors Prison for London and Middlesex.—*Robert Powell*, Old Bond-street, Middlesex, tailor: in the Queen's Prison.—*John Manning*, Drummond-st., Easton-square, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Thomas Bonser* the younger, Devonshire-terrace, Barnsbury-park, Middlesex, meat salesman: in the Debtors Prison for London and Middlesex.—*Daniel Hurley*, Houndsditch, City, licensed victualler: in the Debtors Prison for London and Middlesex.—*John McCabe*, Tabernacle-walk, Finsbury, Middlesex, carrier: in the Debtors Prison for London and Middlesex.—*Henry Jessop*, St. Alban's-place, Edgeware-road, Middlesex, cowkeeper: in the Debtors Prison for London and Middlesex.—*James Ball*, Lambeth-hill, Thames-street, London, stationer: in the Debtors Prison for London and Middlesex.—*George Charles Skilton*, Atholl-place, Pentonville, Middlesex, shoemaker: in the Debtors Prison for London and Middlesex.—*Charles Robinson*, Providence-place, Kentish-town, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Wm. Smith*, George-st., Lambeth, Surrey, whitening manufacturer: in the Gaol of Surrey.—*Louis Delorme*, Curtain-road, Shoreditch, Middlesex, mercantile clerk: in the Queen's Prison.

*(On Creditor's Petition).*

*Gabriel Sans Garret*, Cambridge-st., Edgeware-road, Middlesex, merchant: in the Debtors Prison for London and Middlesex.

*(On their own Petitions).*

*Wm. Hempelman*, Ormesby, Norfolk, out of business: in the Gaol of Norwich.—*Francis Barker*, Chorlton-upon-Medlock, Manchester, butcher: in the Gaol of Lancaster.—*Wm. Simpson*, Chorlton-upon-Medlock, Manchester, piano-forte maker: in the Gaol of Lancaster.—*William Johnson Wood*, Manchester, commercial traveller: in the Gaol of Lancaster.—*John Lomas*, Glasgow, pattern designer: in the Gaol of Lancaster.—*James Mellor* the younger, Hollingwood, near Oldham, Lancashire, grocer and provision dealer: in the Gaol of Lancaster.—*F. Winnington*, Chorlton-upon-Medlock, Manchester, commission agent: in the Gaol of Lancaster.—*H. Proctor Watson*, Preston, Lancashire, auctioneer: in the Gaol of Lancaster.—*William Holyer*, Ramsgate, Kent, butcher: in the Gaol of Dover.—*Thomas Stansfield*, Work-sop, Nottinghamshire, out of business: in the Gaol of Nottingham.—*Wm. Abbott*, West Ham, Essex, shoemaker: in the Gaol of Springfield.—*George Hoey* the younger, Lewes, Sussex, tinman: in the Gaol of Lewes.—*W. Harbour*, Diss, Norfolk, grocer: in the Gaol of Norwich.—*David Morgan*, Dowlais, near Merthyr Tydvil, Glamorganshire, carpenter: in the Gaol of Cardiff.—*John Hollingsworth*, Ware, Hertfordshire, solicitor: in the Gaol of Hertford.—*Henry Moore*, Cambridge, law writer: in the Gaol of Cambridge.—*John Meadow*, Scarth-hill, near Ormskirk, Lancashire, farm labourer: in the Gaol of Lancaster.—*James Thos. Edwards*, Brighton, Sussex, builder: in the Gaol of Lewes.—*Josiah Harris*, Gravesend, Kent, manufacturing chemist: in the Gaol of Maidstone.—*David Brown*, Bristol, linendraper's assistant: in the Gaol of Bristol.—*Klein Grant*, Maidenhead, Berkshire, physician: in the Gaol of Reading.—*Samuel Vincent*, Taunton, Somersetshire, out of business: in the Gaol of Wilton.—*James Lloyd*, Ironbridge, Shropshire, stoker at gas works: in the Gaol of Shrewsbury.—*John Lozell*, Writtle, Essex, out

of business: in the Gaol of Springfield.—*John Hall*, Leeds, Yorkshire, out of business: in the Gaol of York.—*William Grayson*, Sheffield, Yorkshire, scale cutter: in the Gaol of York.—*Matthew Thorns*, Leeds, Yorkshire, out of business: in the Gaol of York.—*Julius Ashborn*, Liverpool, haberdasher: in the Gaol of Lancaster.—*Joshua Broadhead*, Holme, near Holmfirth, Yorkshire, woollen cloth manufacturer: in the Gaol of York.—*John Broadhead*, Holme, near Holmfirth, Yorkshire, woollen cloth manufacturer: in the Gaol of York.—*Charles W. Fielding*, Sowerby-bridge, near Halifax, Yorkshire, out of business: in the Gaol of York.—*Thomas Cook*, Manchester-road, Little Horton, near Bradford, Yorkshire, greengrocer: in the Gaol of York.—*Joseph Field* the younger, Leeds, Yorkshire, beer-house keeper: in the Gaol of York.—*Wm. Stow*, Keighley, Yorkshire, confectioner: in the Gaol of York.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Jan. 24 at 10, before Mr. Commissioner MURPHY.*

*W. H. S. Hartley*, Devonshire-place, Portland-place, Middlesex, gentleman.—*John Barwise*, Queen's-row, Grove-lane, Camberwell, Surrey, dealer in mining shares.—*Thomas Heath* the elder, Ebury-street, Pimlico, Middlesex, cowkeeper.—*Frederick Bull*, Tichbrook-street, Westminster, Middlesex, out of employ.

*Jan. 25 at 10, before the CHIEF COMMISSIONER.*

*John N. Thomson*, Wells-street, Oxford-street, Middlesex, beer-shop keeper.—*James Terry*, Plumstead, Kent, baker.

*Jan. 26 at 11, before Mr. Commissioner PHILLIPS.*

*John Milligan*, Dover-road, Southwark, Surrey, collector of debts.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Shropshire, at SHREWSBURY, Jan. 24 at 10.*

*Joshua Wigley*, Bridgnorth, schoolmaster.—*James Lloyd*, Ironbridge, stoker at the gas works.

*At the County Court of Gloucestershire, at BRISTOL, Jan. 25 at 11.*

*David Brown*, Bristol, linendraper's assistant.

*At the County Court of Cambridgeshire, at CAMBRIDGE, Jan. 26 at 10.*

*Henry Moore*, Cambridge, law writer.

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LONDON, JANUARY 21, 1854.

In our last number we considered the measure of damages, in actions under Lord Campbell's Act, for death occasioned by negligence, and we then observed that the same principles are in general as applicable to this class of actions as to those which are ordinarily brought for negligence. We now propose to consider some of these principles, distinguishing their application, where it is necessary, to individuals and to railway companies.

In actions for negligence it is necessary to prove either actual negligence, or an accident of such a nature as to afford a presumption of negligence. Proof that a stage-coach broke down was held to raise a presumption that the accident arose from the unskilfulness of the driver or the insufficiency of the coach; so, if it was overloaded, proof of excess in the number of passengers was held to be evidence that the accident arose from the overloading; but where the horses took fright, and overturned the coach, or the accident arose from foggy weather or the removal of accustomed landmarks,

no presumption of negligence arose. (See *Rosc. N. P. Ev.* 370, and the cases cited there).

The same rule probably holds good as to accidents upon a railway; but in the latter case the character of the accidents, the means of prevention, and the greater control under which a locomotive engine is, or is supposed to be, than horses, strengthen the presumption of negligence in the event of an accident. When a stage-coach was upset by a collision with another, it might have been the fault of the "opposition," and not of the "patent safety," by which we were travelling; but on a line of railway, when a collision occurs, as both trains in general belong to the same company, the question, whether it was the fault of A. or B., can seldom arise. Again: the engine not being liable to the influences which operate upon animated beings, and which sometimes cause horses to take fright, to fall down, to take to kicking, or the like, numerous circumstances are excluded in the one case which would have to be considered in the other. Accidents on railways almost invariably occur by collisions, by running off the line, or by the breaking down of the engine or carriages. Sometimes a wheel takes fire, sometimes the train runs into a station; but in all these cases, and indeed any that may be supposed on a railway, the accident will be found to be of such a nature that might have been avoided, and therefore properly to raise the presumption of negligence against the company, and call upon them to *disprove* it, and not upon the plaintiff to prove it in the first instance. Prove the accident, e. g. the running off the line; it is for the company to shew that it was a mere accident, unconnected with negligence. Accordingly, in *Carpus v.*



*The London and Brighton Railway Company*, (5 Q. B. 747), it was ruled by Lord Denman, C. J., at Nisi Prius, that the plaintiff proved a *prima facie* case of negligence against the company, by shewing, that when the train ran off the line, whereby he was injured, the train and railway were exclusively under the management of the company. There was, however, evidence given in that case, for the plaintiff, that the rails were defective at the spot where the accident occurred, and that, considering such state of the rails, the speed was too great; and the counsel for the company abandoned their objection to the ruling of the learned judge, after having obtained a rule nisi for a new trial on that and another ground. The next case upon this point was *Aldridge v. The Great Western Railway Company*, (3 Man. & G. 515). That was an action against a railway company for so negligently managing and conducting an engine that sparks flew from it upon a stack of beans standing in an adjoining field, whereby the stack was destroyed. A case stated for the opinion of the Court alleged that the engines used upon the railway were such as were usually employed on railways for the purpose of propelling the train, and that the engine from which the sparks flew was used at the time in the ordinary manner, and for purposes authorised by the special act of the company. The Court held that the facts stated were not sufficient to enable them to infer either negligence or an absence of negligence, which was a question of fact for the jury. Tindal, C. J., said, "If the case had gone to trial, and the plaintiff had proved that the engines had frequently set fire to stacks, that would have shewn negligence."

.... To entitle the plaintiff to recover, he must either shew some carelessness by the defendants, or lay facts before the jury from which it may be inferred." The case was withdrawn, in order that the parties might go to trial. In the next case, (*Piggot v. The Eastern Counties Railway Company*, 3 C. B. 229), for a destruction of the plaintiff's premises by reason of sparks emitted from the company's engine, evidence was held admissible, in conformity with the dicta in the preceding case, to shew that other engines of the company on other occasions, in passing along the line, had thrown sparks to a sufficient distance to reach the buildings in question; and the Court further held, that the fact of premises being fired by sparks emitted from a passing engine was *prima facie* evidence of negligence on the part of the company, rendering it incumbent on them to shew that some precautions had been adopted by them reasonably calculated to prevent such accidents. Tindal, C. J., in delivering judgment, said, "The defendants are a company intrusted by the Legislature with an agent of an extremely dangerous and unruly character, for their own private and particular advantage, and the law requires of them that they shall, in the exercise of the rights and powers so conferred upon them, adopt such precautions as may reasonably prevent damage to the property of third persons, through or near which their railway passes. The evidence in this case was abundantly sufficient to shew that the injury of which the plaintiff complains was caused by the emission of sparks, or particles of ignited coke coming from one of the defendants' engines; and there was no proof of any precaution adopted by the company to avoid such a mischance. I therefore think the jury came to a right conclusion in finding that the company were guilty of negligence, and that the injury complained of was the result of such negligence. There are many

old authorities to sustain this view: for instance, the case of *Mitchell v. Alestree*, (1 Vent. 295), for an injury resulting to the plaintiff from the defendant riding an unruly horse in Lincoln's-inn-fields; that of *Bayntine v. Sharp*, (1 Lutw. 90), for permitting a mad bull to be at large; and that of *Smith v. Pothol*, (2 Str. 1264), for allowing a dog, known to be accustomed to bite, to go about unmuizzed. The precaution suggested by the witness called for the plaintiff in this case\* may be compared to the muzzle in the case last referred to. The case of *Beaulieu v. Finglam*, in the Year Books, (P. 2, H. 4, fol. 18, pl. 5), comes very near to this. There the defendant was charged in case for so negligently keeping his fire as to occasion the destruction of the plaintiff's property adjoining. The duty there alleged was, 'quare, cum secundum legem et consuetudinem regni nostri Angliæ, hactenus obtentam, quod quilibet de eodem regno ignem suum salvò et securè custodiat, et custodire teneatur, ne per ignem suum damnum aliquod vicinis suis eveniat;' and there was no suggestion that it was necessary to define the particular sort of negligence that was complained of." Coltman, J., said, "that the fact of the buildings being fired by sparks emitted from the defendants' engine established a *prima facie* case of negligence, which called upon them to shew that they had adopted some precautions to guard against such accidents." Maule, J., said, "I am far from saying that it is impossible that this could have occurred without negligence on the part of the company; but it at least affords a strong presumption of negligence, in the absence of evidence to shew that something had been done by the company to lessen the chances of danger."

The only other case to which we shall refer is that of *Richards v. The London and South-coast Railway Company*, (13 Jur., part 1, p. 986; 18 L. J., C. P., 251), which was an action for negligently losing luggage, and it was held that the negligence, though alleged, need not be proved; but this decision turned upon the point, that the duty of the company was to deliver the luggage at the London station, and that, not having done so, they were liable to an action, whether such non-delivery was caused by negligence or not. (See also *Forward v. Pittard*, 1 T. R. 27).

Secondly, if goods be sent by railway from A. to Z., and one sum is paid for their carriage the whole distance, the company so receiving them is liable, though they be lost on intervening lines belonging to other companies. (*Scotthorn v. The South Staffordshire Railway Company*, 8 Exch. 341; *Muschamp v. The Lancaster Railway Company*, 8 M. & W. 421; *Watson v. The Ambergate Railway Company*, 15 Jur., part 1, p. 448). The same rule would, it appears, apply to the case of a passenger being injured on such intervening line; there can be no difference in principle; and in *Muschamp v. The Lancaster Railway Company*, Rolfe, B., in delivering judgment, said, "As to the case which has been put, of a passenger injured on a line of railway beyond that where he was originally booked, I suppose that has been put as a *reductio ad absurdum*; but I do not see the absurdity. If I book my place at Euston-square and pay to be carried to York, and am injured by the negligence of somebody between Euston-square and York, I do not know why I am not to have my remedy against the party who so contracted to carry me to York."

\* Professor Farey stated that the emission of sparks or particles of ignited matter from the top of the chimney might in a great measure be prevented by a cap or covering of wire-work, or by the insertion of a perforated metal plate placed horizontally at the chord of the arch of the smoke-box, so as to intercept the particles escaping through the smoke tubes. He also stated that the danger might be altogether prevented by shutting off the steam on passing a spot where danger was to be apprehended.

## Reviews.

*The Succession Duty Act, 1853, (16 & 17 Vict. c. 56); with an Introduction, Notes, and an Index. By HENRY THRING, M.A., of the Inner Temple, Barrister at Law, and Fellow of Magdalen College, Cambridge. (2dmo., pp. 116). [Stevens & Norton.]*

THE proposal made by Mr. Brodie, about four years ago\*, to extend the probate, administration, and legacy duties to real estate, and to successions under settlements, has been partially acted upon in a manner which betrays a consciousness of the injustice of the tax. It is surprising indeed that Mr. Brodie, whose views respecting the so-called "burthens on land" are much more just than any that are to be found in the works of professed economists, should have failed to perceive that his own principles emphatically condemn any interference with existing taxes on realised property, whether in the way of remission or in that of imposition. Mr. Brodie proposed to substitute for the probate and administration duties a uniform tax of 3l. per cent. on all successions under settlements, wills, and intestacies, (with a proper distinction between *residuary* and other claims), and for the legacy duty a tax on successions, varying, like the legacy duty, with the degree of relationship, but pressing more heavily than that on distant relations and strangers. The simplicity and uniformity of the proposed measure (to say nothing of its probable productiveness) were attractive, but the country was not prepared either to commit so great an injustice, or to make so great a change, *per saltum*, and the extension of the probate duty to real estate is laid by in the state armoury for a future occasion. In the meantime, and as usual, no very flagrant or oppressive injustice has been committed—one of the many illustrations which are continually occurring of the felicitous working of our apparently clumsy and crazy constitutional machine, however difficult it may be to demonstrate its excellencies on any known theory of political engineering. A new tax, whether cumulative or substitutionary, direct or indirect, but especially a direct tax, is almost always partial in its incidence, and so far a confiscation; but happily our taxes are so numerous and so various as to allow of a great deal of annual tinkering at a very small cost of injustice, but with large results towards the great end of harmlessly agitating and keeping sweet the political waters. All the discords, like the notes of a forest choir, result in something very like harmony.

Mr. Thring assisted Mr. Erle in preparing the Succession Duties Act, and his object in the book before us is stated to be the explanation of the act to the general as well as to the legal reader. This has been done extremely well, and without opening doubts upon the act, which was scarcely to be expected from a writer in his position. Mr. Thring has produced a very plain and satisfactory guide in the application of the act to all ordinary cases. The act itself is remarkably short, and free from complication; but though, no doubt, its apparent simplicity has been the result of much anxious consideration, we are not free from misgivings that some serious difficulties will be experienced in its operation. The omission of any provision for defining the payment of the duty on copyholds subject to arbitrary fines is, we believe, rather to be charged on the Legislature as an error of judgment than as an oversight. Its injustice is apparent. In calculating the value of the succession, the amount of the fine (two years' full value) is to be allowed for; but the payment of the eight half-yearly instalments of the succession duty is nevertheless to commence at

once, although for two years the unfortunate successor can derive no benefit from the property.

The general scope of the act is explained in a few introductory pages, from which we take the following explanation of the machinery for raising the tax on real estate, in which the whole difficulty of the application of the succession duty to real estate lay—a difficulty which was not met at all by Mr. Brodie's proposal, and which we think will not be found to have been met quite so well as a Chancellor of the Exchequer could wish by the present act:—

"There is an inherent difficulty in taxing property which does not readily admit of a partial conversion into money, and this difficulty is enhanced by the intricate limitations to which land is subjected in England, and the lengthened period during which it may be kept out of the market and occupied by persons taking only limited interests.

"The difficulty arising from the nature of land has been overcome by the manner in which the tax is imposed. For the purposes of taxation, a successor's interest in real property is considered (sect. 21) as an annuity equal in amount to the net produce of the land enjoyed by him for his life, or for any less period during which he may be entitled to the receipt of the rents and profits. The duty thus becomes a tax upon the rent, and not upon the corpus of the land; and as it is payable by four annual instalments, and not in one gross sum, there can never, under ordinary circumstances, be any necessity for a sale of any proportion of the property in order to satisfy the demands of the Crown. It is true, that by this arrangement a tenant in fee and a tenant for life pay a tax of equal amount; and the act does not attempt to distinguish between them, except in the event of the tenant for life dying before he has paid all his instalments, in which case all instalments not due at his death cease to be payable; while, in the case of a tenant in fee, the unpaid instalments continue to be a charge on the property, payable by the owner for the time being. Rules are given for estimating the value of various descriptions of real property. Advowsons are taxable only in the event of their being disposed of for money or money's worth; and personal property directed to be invested in real property, in which the successors take limited interests, is to be treated as real property."

The confusion of estates for life with estates in fee, for the purposes of taxation, is a good example of the happy ease with which a Chancellor of the Exchequer can perpetrate the grossest absurdities. Very probably Mr. Babbage, who considers that permanent and precarious incomes ought to pay the same annual income tax, is ready to demonstrate the soundness of treating life estates and estates in fee as equal "successions." In the meantime, the provision seems to us to be open to the following observations:—If an estate devolves from father to son, without diminution, during a succession of generations, and each successor pays on the value of his life interest, it is not material for the purposes of taxation whether the devolution is under limitations of successive life estates or by the repeated descent of the fee. In either case the property remains in the family, and pays the same amount. But if A. devises his land to B., a stranger, for life, with remainder to another person not related to B., B. takes under that gift a very different succession from that which he would take under a devise of the fee. True it is, that if he took the fee, and it descended to his posterity, the tax would be paid by his family; but still, with a view to any test of the value of the gift to him, or of his means to pay the tax, the value of the fee, after allowing for the value of a perpetual annuity of 1l. per cent., ought to be taken into account. Again: if a gift in fee by A. to B., a stranger, is to be regarded

\* "Tax on Successions and Burdens on Land, &c. By P. B. Brodie, Esq." Longmans, 1850.

as a gift of successive life estates to B. and his posterity, the succession duty to be paid by B.'s issue should be at the rate of 10% per cent., and not of 1% per cent. On the other hand, if B., the devisee in fee, instead of confining his expenditure to the annual income of the estate, should sell it, and consume the capital during his life, he would have acquired and consumed a succession of far greater value than a life estate on which only he would have paid duty. The absurdity is further developed by the 31st section, which provides that personal property subject to a trust for investment in the purchase of real estate, to which the successor would be absolutely entitled, shall be charged as personal property, (i. e. on the capital sum); but personal property subject to a trust for investment in the purchase of real estate, to which the purchaser would not be absolutely entitled, shall be chargeable as real property, (i. e. on a life interest). The application of this clause will give rise to many questions; but we will assume that the status of the property at the time when the succession falls into possession is to determine the mode of charge, and that the interest of a tenant in tail is not to be regarded as an absolute interest. Then, in the case of an absolute gift, the rate of duty will depend upon the mere accident, whether at the time the succession falls the money has been actually invested in the purchase of real estate or not; and in the case of a trust for the purchase of lands to be settled in tail, the mere necessity of the idle ceremony of an inrolled assignment is to determine the lower rate of duty. Again: under the 21st section a tenant in fee pays the whole duty, although he should die before the first instalment becomes due; but a tenant in tail who sells and conveys the estate away by a disentailing assurance, and dies before the first instalment becomes due, pays nothing. (Sect. 21, upon which the question arises, whether the words "a successor who shall have been competent to dispose by will of a continuing interest in such property" include a tenant in tail who has acquired the fee by a disentailing assurance). We do not pretend that similar anomalies could be wholly avoided by any adjustments, but that only shews the inherent absurdity of a succession duty. This want of principle in the tax and in the act removes the sting from the extraordinary provision in the 8th section, that "when any Court of competent jurisdiction shall declare any succession to have been fraudulent, and made for the purpose of evading the duty imposed by this act, it shall be lawful for such Court to declare a succession to have been conferred on such person, at such time, and to such an extent as such Court shall think just; and such last-mentioned person shall be deemed to have taken a succession accordingly, derived from the person making such disposition as predecessor." We confidently anticipate that the Courts will apply the act and decide questions of evasion precisely as if this confession of incompetency had not been inserted in it. The least to be expected from the tax layer is, that he will express his mind to his own satisfaction. In fact, the framers of the act have ingeniously anticipated several modes of evasion, and met them by appropriate enactments; but we suspect that some evasive contrivances still remain unforbidden. Thus, the first branch of the 8th section directs, that when any disposition of property shall be made to take effect at a period ascertainable only by reference to the date of the death of any person, such disposition shall be deemed to confer a succession. This does not apply in terms, and cannot by construction be extended, to a disposition in favour of A., so long as he shall in person perform some service or ceremony; and upon A.'s default, to B. Again: to reduce the duty on a personal fund to the duty charged on real estate, it will only be necessary to direct a conversion into realty, to be limited to the donee in tail.

Mr. Thring's annotations to the sections of the act will be found very useful to the general reader. They consist principally of examples illustrating the application of the enactments.

## PUBLIC EXAMINATION OF STUDENTS.

At the public examination of the Students of the Inns of Court, held in Lincoln's Inn Hall, on the 11th, 12th, and 13th days of January, 1854, the Council of Legal Education awarded to—

Jasper Kenrick Peck, Esq., student of Lincoln's Inn, a studentship of 50 guineas per annum, to continue for a period of three years.

Walter Robinson, Esq., student of the Inner Temple, a certificate of honour, as having passed the second best examination.

Charles Piffard, Esq., student of Lincoln's Inn, Henry Rowcliffe, Esq., student of the Inner Temple, and J. George Norton Darby, Esq., student of Lincoln's Inn, certificates that they have satisfactorily passed a public examination.

## COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.

The Lord Chancellor, under the powers of the 16 & 17 Vict. c. 78, intituled "An Act relating to the Appointment of Persons to administer Oaths in Chancery, and to Affidavits made for Purposes connected with Registration," has appointed the following gentlemen to be Commissioners for administering Oaths in Chancery:—

Thomas Kennedy, 26, Chancery-lane, to be a London Commissioner.

Henry Hughes, Maidstone, Kent, to be a Commissioner in England.

George Mounsey Gray, 9, Staple-inn, to be a London Commissioner.

William Lewis, 6, Raymond-buildings, Gray's-inn, to be a London Commissioner.

Joseph Noakes Mourilyan, Sandwich, Kent, to be a Commissioner in England.

Edward Chester, 11, Staple-inn, to be a London Commissioner.

William Weld Wren, 32, Fenchurch-street, to be a London Commissioner.

Robert Wren, 32, Fenchurch-street, to be a London Commissioner.

Edward Dyne, 61, Lincoln's-inn-fields, to be a London Commissioner.

Thomas Dodd Keighley, 73, Basinghall-street, to be a London Commissioner.

Charles James Brown, 10, New-inn, to be a London Commissioner.

## London Gazettes.

FRIDAY, JANUARY 13.

### BANKRUPTS.

FREDERICK MAYSTON, Great Yarmouth, Norfolk, grocer, Jan. 21 at half-past 1, and March 4 at half-past 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Braham, 101, Chancery-lane.—Petition dated Dec. 26.

FREDERICK MILLER, Newport, Essex, corn merchant, Jan. 26 at half-past 1, and Feb. 23 at 2, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Drake, East Dereham; Nichols & Doyle, 2, Verulam-buildings.—Petition filed Jan. 10.

FREDERICK CHATER, Wolverhampton, Staffordshire, chemist and druggist, Jan. 26 and Feb. 16 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Thorne, Wolverhampton; Motteram & Knight, Birmingham.—Petition dated Jan. 3.

**THOMAS CURTIS BIRD**, Lee, Kent, baker, dealer and chapman, Jan. 21 and March 4 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Bristow & Tarrant, 2, Bond-court, Walbrook.—Petition dated Jan. 12.

**STEPHEN DAVIS**, York, furrier, dealer and chapman, Jan. 30 and Feb. 21 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Hodgson, York; Bond & Barwick, Leeds.—Petition dated Jan. 10.

**JOSHUA WOODHEAD**, Hogley-green, Almondsbury, Yorkshire, fancy woollen cloth manufacturer, Jan. 27 and Feb. 24 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Clough & Bantoft, Huddersfield; Payne & Co., Leeds.—Petition dated Jan. 5.

**JOHN CLEGG**, Liverpool, licensed victualler, Jan. 23 at 12, and Feb. 20 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sol. Radcliffe, Liverpool.—Petition filed Jan. 3.

**JAMES FIELDING**, Glossop, Derbyshire, cotton spinner, dealer and chapman, Feb. 2 and 23 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Hewitt & Needham, Manchester.—Petition filed Jan. 3.

## MEETINGS.

**Robert F. Cooper**, Three Colt-st., Limehouse, Middlesex, oilman, Jan. 31 at half-past 1, Court of Bankruptcy, London, last ex.—**Henry Kirk**, Portland-terrace, St. John's Wood, Middlesex, hay dealer, Jan. 24 at half-past 11, Court of Bankruptcy, London, last ex.—**Charles C. Hamilton**, Little Queen-street, Lincoln's-inn-fields, Middlesex, ironmonger, Jan. 25 at 1, Court of Bankruptcy, London, last ex.—**James A. Howard** and **Jonathan Howard**, Hollinwood, Lancashire, joiners, Jan. 30 at 12, District Court of Bankruptcy, Manchester, last ex.—**Edwin Dennis**, Rickmansworth, Hertfordshire, licensed brewer, Feb. 1 at 12, Court of Bankruptcy, London, aud. ac.—**Thomas Davies**, Rosemary-lane, Middlesex, cowkeeper, Feb. 1 at 12, Court of Bankruptcy, London, aud. ac.—**J. Ready**, Holywell-st., Shoreditch, Middlesex, oilman, Jan. 26 at 11, Court of Bankruptcy, London, aud. ac.; Feb. 3 at 11, div.—**Charles J. Webb**, Leadenhall-street, London, silversmith, Jan. 24 at 2, Court of Bankruptcy, London, last ex.—**James Holbeck**, Marylebone-street, Golden-square, Middlesex, gold laceman, Jan. 25 at 11, Court of Bankruptcy, London, aud. ac.—**Samuel J. Lucas**, Hingham, Norfolk, grocer, Jan. 25 at 11, Court of Bankruptcy, London, aud. ac.—**Arthur R. Homersham**, Russell-street, Bermondsey, Surrey, wool-stapler, Jan. 25 at 11, Court of Bankruptcy, London, aud. ac.—**Charles Geal**, East-row, Kensal New-town, Middlesex, grocer, Jan. 27 at 11, Court of Bankruptcy, London, aud. ac.—**E. M'Crow**, James-st., Featherstone-st., City-road, Middlesex, linendraper, Feb. 2 at 2, Court of Bankruptcy, London, aud. ac.—**George Winter** and **James Winter**, Hastings, Sussex, builders, Feb. 2 at 12, Court of Bankruptcy, London, aud. ac.—**Peter Bury**, Manchester, calico printer, Jan. 25 at 12, District Court of Bankruptcy, Manchester, aud. ac.—**George Pryde**, **David Jones**, and **John Gibb**, Liverpool, sail makers, Jan. 24 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—**Wm. Rainford**, Liverpool, upholsterer, Jan. 23 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—**J. Stock** the elder and **Wm. Stock**, Ashton in Mackerfield, Lancashire, coal proprietors, Jan. 23 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—**Charles Moss Salmon**, Birmingham, general dealer, Feb. 6 at 10, District Court of Bankruptcy, Birmingham, aud. ac.—**Chas. Gardner Cresswell**, Kidderminster, Worcestershire, chemist, Feb. 15 at 11, District Court of Bankruptcy, Birmingham, aud. ac. and div.—**Job Broadhurst**, Longton, Stoke-upon-Trent, Staffordshire, earthenware manufacturer, Feb. 15 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—**Wm. Watson**, Audley, Staffordshire, saddler, Feb. 15 at 11, District Court of Bankruptcy, Birmingham, aud. ac.; Feb. 22 at 11, fin. div.—**Thos. Cullingworth**, Woolley Mills, near Wakefield, Yorkshire, corn miller, Jan. 24 at 11, District Court of Bankruptcy, Leeds, aud. ac.—**Jas. Bairdow**, Ovenden, Halifax, Yorkshire, worsted stuff manufacturer, Jan. 26 at 11, District Court of Bankruptcy, Leeds, aud. ac.—**Stephen Gilbert Fryman**, Rye, Sussex, wine merchant, Feb. 7 at 11, Court of Bankruptcy, London, fin. div.—**Wm. Henry Dee**, Cambridge, plumber, Feb. 7 at 1, Court of Bankruptcy, London, div.—**Robert Jeffery**, Upper North-place, Gray's-inn-road, Middlesex, coachmaker, Feb. 7 at half-past 11, Court of Bankruptcy, London, div.—**Charles Olliver**, New Bond-street, Middlesex, music seller, Feb. 4 at 11, Court of Bankruptcy, London, div.—**Wm. Manning**, F.

**Manning**, and **John Levicount Anderdon**, New Bank-buildings, London, West India merchants, Feb. 3 at 12, Court of Bankruptcy, London, fin. div.—**Geo. Hart** and **Thos. Hart**, Union-st., Southwark, Surrey, trimming manufacturers, Feb. 4 at half-past 11, Court of Bankruptcy, London, fin. div. joint est., and fin. div. sep. est. of **Geo. Hart**.—**Thomas Thame**, Buckingham, innkeeper, Feb. 4 at 11, Court of Bankruptcy, London, div.—**W. Bradford**, Leigh, Worcestershire, butcher, Feb. 6 at 10, District Court of Bankruptcy, Birmingham, aud. ac.; Feb. 13 at 10, div.—**Henry Bolt**, Birmingham, silversmith, Jan. 28 at 10, District Court of Bankruptcy, Birmingham, aud. ac.; Feb. 4 at 10, div.—**Benj. Smith**, Droitwich, Worcestershire, salt manufacturer, Feb. 7 at 11, District Court of Bankruptcy, Birmingham, div.—**Wm. Broadbent**, Delph, Yorkshire, cloth merchant, Feb. 3 at 11, District Court of Bankruptcy, Leeds, div.—**Joseph Wood**, Barnsley, Yorkshire, linen manufacturer, Feb. 3 at 11, District Court of Bankruptcy, Leeds, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

**Richard Lancaster Swallow**, Park-terrace, Battersea-fields, Surrey, out of business, Feb. 7 at 12, Court of Bankruptcy, London.—**Frederick Francis Fox**, Cornhill, London, tailor, Feb. 3 at 12, Court of Bankruptcy, London.—**John Ready**, Holywell-st., Shoreditch, Middlesex, oilman, Feb. 3 at 11, Court of Bankruptcy, London.—**Ephraim Levy Green**, Bevis Marks, London, wholesale clothier, Feb. 3 at half-past 1, Court of Bankruptcy, London.—**Robert Jeffery**, Upper North-place, Gray's-inn-road, Middlesex, coachmaker, Feb. 7 at half-past 11, Court of Bankruptcy, London.—**James Bohn**, St. James-street, Middlesex, bookseller, Feb. 8 at 12, Court of Bankruptcy, London.—**John Roberts**, Tividale Wire Works, near Dudley, Worcestershire, wire drawer, Feb. 6 at 10, District Court of Bankruptcy, Birmingham.—**Robt. Jones Williams**, Birmingham, linendraper, Feb. 8 at 11, District Court of Bankruptcy, Birmingham.—**Isaac Shaw**, Macclesfield, Cheshire, joiner, Feb. 8 at 12, District Court of Bankruptcy, Manchester.

*To be granted, unless an Appeal be duly entered.*

**Walter Cobbett**, Sunbury, Middlesex, plumber.—**Lionel Goldsmith**, Queen-street, Chapside, London, merchant.—**Francis W. South**, Maidstone, Kent, beer-seller.—**Alexander Forfar**, Dunstable, Bedfordshire, straw-bonnet manufacturer.—**Benjamin Bell**, Newcastle-upon-Tyne, coal merchant.—**Joseph F. Mason**, Dover, Kent, draper.—**Christopher Thos. Pott**, Sunderland, Durham, shipowner.—**Wm. Ridge**, Exeter, tailor.—**John Hammond Bell**, Deansgate, Manchester, hoiser.—**John Nield**, Lees, near Oldham, Lancashire, woollen manufacturer.—**Chas. G. Cresswell**, Kidderminster, Worcestershire, chemist.—**Wm. Bradford**, Leigh, Worcestershire, butcher.

## PARTNERSHIPS DISSOLVED.

**Geo. Henry Stares** and **Benjamin Bradley Hewitt**, Bishop's Waltham, Southampton, attornies and solicitors.—**Jas. Illingworth Hindmarsh** and **Worthington Eans**, Crescent, Jewin-street, Cripplegate, London, attornies and solicitors.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

**James Skillicorn**, Liverpool, baker, Jan. 23 at 10, County Court of Lancashire, at Liverpool.—**Wm. Allen**, Everton, near Liverpool, relieving officer of the West Derby Union, Jan. 23 at 10, County Court of Lancashire, at Liverpool.—**Charles Wade**, Willsbridge, Bitton, Gloucestershire, miller, Jan. 18 at 11, County Court of Gloucestershire, at Bristol.—**Isaac Gartside**, Dobcross, Saddleworth, Yorkshire, grocer, Jan. 28 at 11, County Court of Yorkshire, at Saddleworth.—**John White**, Heneage, Dudley, Worcestershire, carpenter, Jan. 31 at 9, County Court of Worcestershire, at Dudley.—**Thomas Dudley**, Dudley, Worcestershire, out of business, Jan. 31 at 9, County Court of Worcestershire, at Dudley.—**Mary Hill**, Tipton, Staffordshire, out of business, Jan. 31 at 9, County Court of Worcestershire, at Dudley.—**Solomon Hale**, Netherton, near Dudley, Worcestershire, miner, Jan. 31 at 9, County Court of Worcestershire, at Dudley.—**Wm. Brame**, East Harling, Norfolk, butcher, Jan. 31 at 10, County Court of Norfolk, at Attleborough.—**John Baxter**, Monkwearmouth Shore, Durham, upholsterer, Jan. 25 at 10, County

Court of Durham, at Sunderland.—*Wm. Borlase Stevens*, Mount Radford, near Exeter, retired captain in the East India Company's service, Jan. 31 at 10, County Court of Devonshire, at Exeter.—*George Passmore*, Wolverhampton, Staffordshire, pudler, Jan. 24 at 9, County Court of Staffordshire, at Wolverhampton.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Jan. 27 at 10, before the CHIEF COMMISSIONER.*

*Alexander Duff*, Brick-lane, Whitechapel, Middlesex, shoe manufacturer.

*Jan. 28 at 11, before Mr. Commissioner PHILLIPS.*

*George Elae*, South Weald, Essex, drilling master.—*Thos. Sawyer*, Richmond New-road, Hammersmith, Middlesex, clerk to a surveyor.

*Jan. 30 at 11, before Mr. Commissioner PHILLIPS.*

*Felix Wm. Leopold*, Shepherd-street, Spitalfields, Middlesex, general dealer.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Jan. 27 at 11, before Mr. Commissioner MURPHY.*

*Henry Lack*, Queen-street, Pitfield-street, Hoxton, Middlesex, pig obber.

*Jan. 28 at 11, before Mr. Commissioner PHILLIPS.*

*Daniel Hurley*, Houndsditch, London, licensed victualler.

*Jan. 30 at 11, before the CHIEF COMMISSIONER.*

*Alexander Pratt*, Clayton-street, Kennington, Surrey, plumber.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Carmarthenshire, at CARMARTHEN, Jan. 24 at 2.*

*John Cure*, Glangwilly, Llanllawddog, gardener.

*At the County Court of Cambridgeshire, at CAMBRIDGE, Jan. 26 at 10.*

*James Stearn*, Cambridge, tailor.

*At the County Court of Yorkshire, at YORK CASTLE, Jan. 30 at 9.*

*A. Levick*, Sheffield, ivory cutter.—*John Broadbelt*, Headingley, near Leeds, farm labourer.—*Jabez Cawthray*, Yeadon, near Leeds, labourer.—*John Sorby*, Sheffield, steel melter.—*John Ripley*, Leeds, watch glass manufacturer.—*C. Raynes*, Sheffield, out of business.—*Edward Knapton*, Sheffield, beer-seller.—*Wm. Stow*, Keighley, confectioner.—*H. Weatherill*, York, confectioner.—*Joseph Field* the younger, Leeds, beer-house keeper.—*Wm. Grayson*, Sheffield, scale cutter.—*M. Thomas*, Leeds, out of business.—*John Hall*, Leeds, general dealer.—*George Preet*, Middlesbrough-on-Tees, licensed victualler.—*Thomas Taylor*, York, turner.—*Thos. Cook*, Little Horton, near Bradford, greengrocer.—*Charles W. Fielding*, Sowerby-bridge, near Halifax, out of business.—*P. Carlton*, York, out of business.—*Robert Stocks*, Doncaster, joiner.—*George White*, Leeds, out of business.—*James Greenwood*, Springhead, near Keighley, out of business.—*Thomas Tate Smith*, New Malton, grocer.—*Joshua Broadhead*, Holme, near Holmfirth, woollen cloth manufacturer.—*Joshua Woodhead*, Hogley Green, near Holmfirth, woollen manufacturer.—*John Broadhead*, Holme, near Holmfirth, woollen cloth manufacturer.—*William C. Greenwood*, Springhead, near Keighley, out of business.

*At the County Court of Lincolnshire, at LINCOLN, Feb. 7 at 12.*

*Wm. Mitton*, Lincoln, wire worker.

#### MEETINGS.

*Roger Marsh*, Preston, Lancashire, licensed victualler, Jan. 31 at 11, Court-house, Portugal-street, Lincoln's-inn-fields, London, sp. aff.

TUESDAY, JANUARY 17.

#### BANKRUPTS.

**HENRY GREEN**, Stoke-by-Nayland, Suffolk, baker, dealer and chapman, Jan. 27 and March 3 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Stopher, 52, Cheapside.—Petition dated Jan. 16.

**HENRY HOLMAN WOOD**, Bognor, Sussex, victualler, dealer and chapman, Jan. 27 at half-past 1, and March 3 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Apps, 7, South-square, Gray's-inn.—Petition dated Jan. 13.

**JAMES LEWIS LANE**, Norwood Brewery, Norwood, Surrey, brewer, dealer and chapman, Jan. 27 and Feb. 28 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Correllis & Hainber, 1, Brabant-court, Philpot-lane, London.—Petition filed Jan. 13.

**HENRY GRIFFITHS**, Birmingham, tailor and clothier, dealer and chapman, Jan. 31 and Feb. 28 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Mottram & Knight, Birmingham; Ashurst & Sen, 6, Old Jewry, London.—Petition dated Jan. 10.

**JOSEPH CAMM**, Quorndon, Leicestershire, miller, dealer and chapman, Jan. 27 and Feb. 17 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Huish, Castle Donnington; Mottram & Knight, Birmingham.—Petition dated Jan. 9.

**EDWARD ROSE**, Nottingham and Sneinton, Nottinghamshire, lace cap manufacturer, dealer and chapman, Jan. 27 and Feb. 17 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sol. Coope, Nottingham.—Petition dated Jan. 10.

**CORNELIUS BOWE PALMER**, Newport, Monmouthshire, porter merchant, commission agent, dealer and chapman, Jan. 31 and March 1 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Cathcart, Newport; Bevan & Girling, Bristol.—Petition filed Jan. 10.

**THOMAS FRUDD**, late of Barnsley, Yorkshire, innkeeper, but now of Manchester, Lancashire, dealer and chapman, Jan. 30 at 12, and Feb. 28 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Marshall, Barnsley; Bond & Barwick, Leeds.—Petition dated Dec. 21.

**WILLIAM BRUNTON**, Bradford, Yorkshire, joiner and builder, Feb. 3 and 24 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sol. Harle, Leeds.—Petition dated and filed Jan. 13.

**JAMES FRAME**, Liverpool, stationer, dealer and chapman, Jan. 27 and Feb. 23 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sol. Bremner, Liverpool.—Petition filed Dec. 29.

**MACKINSEY BOWELL**, Manchester, publican, dealer and chapman, Jan. 28 and Feb. 23 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Lee; Sols. Cobbett & Wheeler, Manchester.—Petition filed Jan. 16.

#### MEETINGS.

*Wm. Threlfall*, Addingham, Yorkshire, cotton spinner, Jan. 31 at 11, District Court of Bankruptcy, Leeds, pr. d.—*Samuel Buckley* and *Geo. Shortridge*, Macclesfield, Cheshire, millers, Feb. 2 at 12, District Court of Bankruptcy, Manchester, last ex. of *S. Buckley*.—*Wm. McKay*, Upper Kennington-lane, Lambeth, Surrey, draper, Jan. 27 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Henry Biggs*, Bernondsey-street, Southwark, Surrey, gelatine manufacturer, Jan. 28 at 12, Court of Bankruptcy, London, aud. ac.—*Lionel Goldsmith*, Queen-street, Cheapside, London, merchant, Jan. 28 at 12, Court of Bankruptcy, London, aud. ac.—*Charles Smith*, Victoria-road, Kentish-town, Middlesex, victualler, Jan. 28 at 12, Court of Bankruptcy, London, aud. ac.—*Wm. Mundy*, Palace-row, New-road, St. Pancras, Middlesex, cowkeeper, Jan. 28 at 12, Court of Bankruptcy, London, aud. ac.—*Francis Twifrey*, Abergavenny, Monmouthshire, brewer, Feb. 2 at 11, District Court of Bankruptcy, Bristol, aud. ac.; Feb. 9 at 11, div.—*John Robson*, Durham, miller, Feb. 9 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Feb. 10 at 11, div.—*A. Watson*, G. Mackenzie, and *M. Mackenzie*, Liverpool, ship brokers, Jan. 27 at 11, District Court of Bankruptcy, Liverpool, aud. ac. sep. est. of *M. Mackenzie*.—*Joseph Roberts*, Chester, grocer, Jan. 27 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Edward Ridley*, Liverpool, tailor, Feb. 7 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Henry Rose*,

Manchester and Salford, common brewer, Feb. 7 at 12, Court of Bankruptcy, London, div.—*Charles J. Webb*, Leadenhall-street, London, silversmith, Feb. 7 at 12, Court of Bankruptcy, London, div.—*Thos. Holmes*, Belgrave-street South, Pimlico, and Hereford-square, Brompton, Middlesex, builder, Feb. 7 at 1, Court of Bankruptcy, London, fin. div.—*Heneage N. Glaser*, St. Martin's-court, Ludgate-hill, London, licensed victualler, Feb. 7 at 1, Court of Bankruptcy, London, fin. div.—*Joseph Slater*, Friday-street, Cheapside, London, warehouseman, Feb. 8 at 1, Court of Bankruptcy, London, div.—*Walter Cobbell*, Bear-gardens, Surrey, plumber, Feb. 7 at 2, Court of Bankruptcy, London, div.—*Edward Harper*, Stamford, Lincolnshire, draper, Feb. 17 at 10, District Court of Bankruptcy, Nottingham, and. ac. and div.—*A. McKerron*, Kingston-upon-Hull, Yorkshire, draper, Feb. 8 at half-past 12, District Court of Bankruptcy, Kingston-upon-Hull, fin. div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*John Hunter*, Hove, Sussex, cowkeeper, Feb. 9 at half-past 11, Court of Bankruptcy, London.—*Wm. Fos*, Weston-hill, Norwood, Surrey, victualler, Feb. 9 at half-past 1, Court of Bankruptcy, London.—*Thomas Davies*, Rosemary-lane, Middlesex, cowkeeper, Feb. 8 at half-past 12, Court of Bankruptcy, London.—*Joseph White*, East Cowes, Isle of Wight, Southampton, shipbuilder, Feb. 8 at 12, Court of Bankruptcy, London.—*Edward Cos*, Great Queen-street, Lincoln's-inn-fields, Middlesex, plane manufacturer, Feb. 8 at 1, Court of Bankruptcy, London.—*Richard Westbrook*, Laurie-terrace, New-cross, Deptford, Kent, hay dealer, Feb. 8 at 1, Court of Bankruptcy, London.—*John Robson*, Durham, miller, Feb. 10 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*James Woods*, Buckfastleigh, Devonshire, miller, Feb. 9 at 1, District Court of Bankruptcy, Exeter.

To be granted, unless an Appeal be duly entered.

*Thos. Johnson*, Broad-street-buildings, London, merchant.—*George Dornand*, Sunderland, Durham, butcher.—*George Bennett*, Birmingham, licensed victualler.—*Edward Harper*, Stamford, Lincolnshire, draper.

## PETITIONS ANNULLED.

*Thomas Archer*, Braintree, Essex, woollendraper.—*Thomas Bull*, Bristol, shipowner.—*John Robertshaw*, Church, Lancashire, ironfounder.

## PARTNERSHIP DISSOLVED.

*George Wright Craven* and *Wm. S. Shoolbridge*, Dover, Kent, attorneys and solicitors.

## SCOTCH SEQUESTRATIONS.

*John Aitken*, Gallowgate, Glasgow, spirit dealer.—*Alex. Brown*, Edinburgh, merchant.—*Robert Grigor*, Milncroft, Braclangwell, farmer.

## INSOLVENT DEBTORS

Who have fled their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*William Evans*, Birmingham, carpenter, Feb. 11 at 10, County Court of Warwickshire, at Birmingham.—*William Coley*, Birmingham, brazier, Feb. 11 at 10, County Court of Warwickshire, at Birmingham.—*John White*, Birmingham, silver plater, Feb. 11 at 10, County Court of Warwickshire, at Birmingham.—*Charles Prangnell*, Newport, Isle of Wight, Southampton, brewer, Jan 31 at 10, County Court of Hampshire, at Newport.—*Charles Shadrack Charlton*, Timsbury, Somersetshire, grocer, Feb. 1 at 1, County Court of Somersetshire, at Clutton.—*Martin Skelton*, Kirton, Lincolnshire, grocer, Feb. 9 at 12, County Court of Lincolnshire, at Boston.—*Jas. Gibson*, Chesterton, Wolstanton, Staffordshire, wheelwright, Jan. 25 at 10, County Court of Staffordshire, at Hanley.—*Charles Baker*, Painswick, Gloucestershire, architect, Feb. 8 at 11, County Court of Gloucestershire, at Stroud.—*Edward Nash*, Fair Mile, Henley-on-Thames, Oxfordshire, assistant to a draper, Feb. 9 at 10, County Court of Berkshire, at Reading.—*Henry Skellern*, Buglawton, Axbury, Cheshire, following no business, Jan. 31 at half-past 10, County Court of Cheshire, at Congleton.—*Alexander Hair Galloway*, Liverpool, surgeon, Jan. 23 at 10, County Court of Lancashire, at Liverpool.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

Feb. 1 at 10, before the CHIEF COMMISSIONER.

*William Calder*, Smith-street, Stepney, Middlesex, out of business.—*George Giles*, Tooley-street, Southwark, Surrey, eating-house keeper.

Feb. 1 at 10, before Mr. Commissioner MURPHY.

*J. Conolly*, Crown-row, Walworth-road, Walworth, Surrey, hat maker.—*John Collings*, Clarence-gardens, Regent's-park, Middlesex, chairmaker.

Saturday, Jan. 14.

Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.

*Robert Boswell Reed*, Heywood, near Bury, Lancashire, tailor, No. 77,156 C.; *Joseph Smethurst*, assignee.—*Eliza Cockle*, widow, Haddenham, Isle of Ely, Cambridgeshire, No. 77,175 C.; *John Clark*, assignee.—*Alice Rotherham*, widow, Skelmersdale, Lancashire, No. 77,234 C.; *Philip Forshaw*, assignee.—*Mary Ann Graham*, Bradford, Yorkshire, flock dealer, No. 77,260 C.; *George Thorp*, assignee.—*John Leadam*, Lower House, near Burnley, Lancashire, tailor, No. 77,295 C.; *Wm. McGill*, assignee.—*John Procter*, Wakefield, Yorkshire, out of business, No. 77,319 C.; *Robert Swan*, assignee.—*John Staniforth*, Ecclesall, near Sheffield, Yorkshire, grinder, No. 77,329 C.; *Francis Wright Everet*, assignee.—*George Thacker*, Bradford, Yorkshire, baker, No. 77,354 C.; *Frederick Alexander Greenwood*, assignee.—*Michael Kemp*, Huddersfield, Yorkshire, tea dealer, No. 77,361 C.; *James Powell*, assignee.—*Maria Blackburn*, Crossland, near Muddersfield, Yorkshire, grocer, No. 77,380 C.; *William Lord*, assignee.—*Richard Samuel M. Sprys*, Sphinx-lodge, Chelsea, Middlesex, not in any business, No. 77,449 C.; *Charles R. Thompson*, assignee.

Saturday, Jan. 14.

Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—

(On their own Petitions).

*Thomas Rose*, Staple-inn, Holborn, Middlesex, porter to the Hon. Society of Staple-inn: in the Debtors Prison for London and Middlesex.—*Ebenezer Hartnall*, Carpenter's-buildings, London-wall, London, commission agent: in the Debtors Prison for London and Middlesex.—*Charles Horn*, Luton, Bedfordshire, corn factor: in the Debtors Prison for London and Middlesex.—*Robert Lindsay*, Kew-road, Richmond, Surrey, licensed brewer: in the Gaol of Surrey.—*James Ely Mitchell*, Eden-place, Old Kent-road, Surrey, cheesemonger: in the Gaol of Surrey.—*Henry Spiller*, Grosvenor-terrace, Wells-street, Camberwell, Surrey, musician: in the Gaol of Surrey.—*George Smith*, Virginia-terrace, Stockwell Private-road, Surrey, appraiser: in the Debtors Prison for London and Middlesex.—*George Newman*, Stratford-place, Camden-town, Middlesex, builder: in the Debtors Prison for London and Middlesex.—*Thomas Richardson*, Asylum-terrace, King's-road, Chelsea, Middlesex, staymaker: in the Debtors Prison for London and Middlesex.—*John W. W. Beison*, Belvidere-place, Southwark-bridge-road, Surrey, clerk in the office of Clerk of the Papers, Queen's Prison: in the Gaol of Surrey.—*I. E. Kalker* the younger, Scarborough-street East, Goodman's-fields, Middlesex, jeweller: in the Debtors Prison for London and Middlesex.—*J. Bernhard*, Edward-street, Stepney, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*John Shaw* the younger, Holborn-hill, London, out of business: in the Debtors Prison for London and Middlesex.—*John Leake*, Balkholme, near Howden, Yorkshire, manufacturer of sacking: in the Gaol of York.—*Joshua Woodhead*, Hogley-green, near Holmfirth, Yorkshire, woollen manufacturer: in the Gaol of York.—*J. S. Kiddell*, Plymouth, Devonshire, builder: in Gaol of St. Thomas-the-Apostle.—*Philip Collom*, Plymouth, Devonshire, accountant: in the Gaol of St. Thomas-the-Apostle.—*Benjamin Burd*, Wem, Shropshire, veterinary surgeon: in the Gaol of Shrewsbury.—*Wm. Wood*, South Shields, Durham, joiner: in the Gaol of Durham.—*John Seagrave* the elder, Bulwell,



near Nottingham, Nottinghamshire, framework knitter: in the Gaol of Nottingham.—*Erza Evans*, Bengeworth, Evesham, Worcestershire, nailor: in the Gaol of Worcester.—*T. W. Drury*, Preston, Lancashire, grocer: in the Gaol of Lancaster.—*Martha Reeve*, widow, Great Yarmouth, Norfolk, innkeeper: in the Gaol of Norwich.—*Henry Newton*, Northfield, Worcestershire, out of business: in the Gaol of Coventry.—*B. Smith*, Rushton, near Blackburn, Lancashire, licensed victualler: in the Gaol of Lancaster.—*James Garry*, Bishop Auckland, Durham, shoemaker: in the Gaol of Durham.—*J. A. Wilson*, Birmingham, auctioneer: in the Gaol of Coventry.—*John Richardson*, Salford, Lancashire, out of business: in the Gaol of Lancaster.—*Charles Hooper Cope*, Hulme, Manchester, accountant: in the Gaol of Lancaster.—*T. Marriott*, Hulme, Manchester, Berlin wool dealer: in the Gaol of Lancaster.—*Wm. J. B. Collins*, Liverpool, foreman to a biscuit factory: in the Gaol of Lancaster.—*James Adamson*, Hulme, Manchester, accountant: in the Gaol of Lancaster.—*Thomas McKie*, Wigan, Lancashire, provision-shop keeper: in the Gaol of Lancaster.—*Robert Robson*, Ayton Style, Durham, out of business: in the Gaol of Durham.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Jan. 23 at 11, before the CHIEF COMMISSIONER.*

*Adjourned.*

*Matthew Nottingham*, Bow, Middlesex, commercial agent.

*Jan. 31 at 10, before Mr. Commissioner MURPHY.*

*John Voller*, Exmouth-place, Exmouth-street, Commercial-road East, bricklayer.—*George Brown*, Slough, Buckinghamshire, grocer.

*Feb. 1 at 10, before the CHIEF COMMISSIONER.*

*James H. Haynes*, Calford-road South, Kingland, Middlesex, attorney.

*Feb. 2 at 11, before Mr. Commissioner PHILLIPS.*

*L. F. Lachapelle*, Lyndhurst-road, Peckham, Surrey, commission agent.—*James A. Selby*, North-street, Westminster, Middlesex, law student.—*The Rev. G. Birch* the younger, Huntingdon, Huntingdonshire, second master of the Huntingdon Grammar-school.—*Wm. Epen*, Crown-court, Chancery-lane, London, out of business.—*Henry Spiller*, Wells-street, Camberwell, Surrey, musician.

*The following Prisoner is ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Hampshire, at SOUTHAMPTON, Feb. 1 at 11.*

*Frederick West*, Hurley, Millbrook, shoemaker.

## LAW REVERSIONARY-INTEREST SOCIETY.—

Offices, 68, Chancery-lane.

Chairman—*RUSSELL GURNEY*, Esq., Q. C., Temple.

Deputy Chairman—*NASSAU W. SENIOR*, Esq., Master in Chancery.

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# The Jurist

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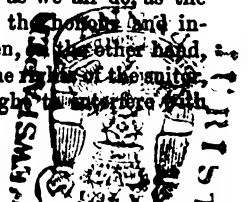
LONDON, JANUARY 28, 1854.

THE resolution adopted by the gentlemen practising within the bar in Chancery, to confine themselves each to one Court and the Court of Appeal, (including, of course, the House of Lords and the Privy Council), is most satisfactory, and will, we trust, work as well for the honour, comfort, and otherwise for the advantage of those learned persons, as it undoubtedly will for the convenience of the suitor, and that generally ignored body of men called "the outer bar." It renders, however, more necessary than ever the adoption of a rule for which we long ago contended, for having, on the day appointed for motions, a paper of motions in the Courts of the Master of the Rolls and the Vice-Chancellors, as well as in the Appeal Courts; because, now that each Court will have its permanent inner bar,

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there will be less chance than ever of counsel behind the bar, or even of the juniors of the inner bar, getting their opposed motions heard. The difference between a list and the existing system is plain enough. When motions are made according to seniority, every counsel within the bar having a right to make two motions, it follows in theory, and it has been found to follow in practice, whenever there has been a fixed Bar, that no more than two, or, at the most, three, of the leading counsel can be heard on a seal, to move. The seal being concluded, the right to move according to seniority is again acted upon at the next seal. First, the old motions are moved; next, those for which briefs have been delivered in the interval, and so on; so that the chance of moving an opposed motion, may not come to the outer bar for six or seven seals running; and in actual practice that has repeatedly and continually occurred. Now, we are not meaning to suggest that any rule ought to be adopted intended or tending to transfer business from the inner to the outer bar. We have, as we believe most junior counsel in actual practice have, an unfeigned respect for the inner bar—an unfeigned desire that its status, and all its rational privileges, should be maintained—looking upon it, as we all do, as the body that guards and represents the thoughts and interests of the whole Bar. But then, in the other hand, we have also some reverence for the rights of the suitor, and we conceive that no rule ought to interfere with





his most sacred and unquestioned right to choose his counsel; and though in general he will be advised, and rightly advised, to intrust important motions to leading counsel, and to the most eminent amongst them, yet there are cases under which it may be prudent for him, and at any rate he has always a right, if it so please him, to confide a motion to younger and more obscure silk gownsmen, or even to juniors; but if he is to be told that whenever, from economy, or caprice, or from any other motive, with which no mortal has anything whatever to do, he chooses to adopt the latter course, he may wait from what in America is termed July to eternity before his unfortunate counsel can get a hearing; practically his boasted freedom of choice is arbitrarily and compulsorily interfered with. The notion of his being at liberty to select his own counsel is mythical—a pure abstraction. But this is not all; he is not merely mulcted in delay—he is heavily mulcted in costs. True, he does not refresh his counsel by supplemental fees; but his solicitor, who is bound to attend on every day of motions till the motion is made, because on any such day it may be made, is fairly entitled to make, and always does make, a charge for attendance; and thus the unhappy suitor pays frequently more for his solicitor waiting day after day, when the motion is not made, than would have secured the advocacy of the first advocate. Now, a list of motions would, so far as is practicable, remedy all this, because then no one would be bound to attend unless a motion was in the paper; and every motion being disposed of in its order, within a reasonable time every suitor would get his motion heard, whether he aspired to the dignity of being heard from the very centre of the inner bar, or modestly confined himself to the brightest wig and the blackest gown of the third row.

Something, we believe, has been said from time to time, on this subject, about some supposed privilege of the inner bar, of moving by seniority, by virtue of their patents as counsel to the Crown.

This question we would investigate as a question of legal right, if it were worth while to do so. But it scarcely can be worth while to discuss whether it ever had existence, when the privilege, if ever it did exist, has been so long virtually abandoned by the inner bar, by their acquiescence in a paper of motions in the Appeal Court. If there was anything in it, it must apply as well in that Court as in the Courts below. Indeed, as an ancient privilege, it could not have existed in the Vice-Chancellors' Courts; and in aid of this argument, it will be recollected, that motions in the subordinate Courts, at least in the Vice-Chancellors' Courts, are technically and strictly coram the Lord Chancellor, who hears them by his Vice-Chancellors; who makes, that is, signs and gives force to, the orders; who may, whenever he chooses, hear them originally; and who, when there is what is commonly called an "appeal," does not, in strictness, hear an *appeal* from a judge of substantively original jurisdiction, but *rehears* what he is supposed himself to have heard before. So that the privilege, if it had any existence, was a privilege in the Chancellor's Court, in which it has been long abolished.

On every ground, then, of right in the suitor, of absence of any antagonistic right in the inner bar, and of convenience and economy in the dispatch of business, we repeat, let it be pressed by the Profession on the attention of the judges of the Court of Chancery, that there should be a regular paper of motions, as well as of causes and petitions.

## Correspondence.

THE attention of the Editor of THE JURIST is drawn to the report of a case in the Legal Observer of the 14th January, under the title, *In re Clerks of Records and Writs Oaths in Chancery Act*, where it is stated to have been held by the Lord Chancellor, "that a London Commissioner to administer oaths in Chancery, under the 16 & 17 Vict. c. 78, is empowered to administer the oath at the residence of the deponent, or elsewhere within ten miles of Lincoln's Inn Hall, and is not limited to his place of business\*." The terms in which the Lord Chancellor delivered his opinion on the case, which was stated *ex parte*, are not given in this report. His Lordship said "that his attention had been previously called to the point out of court, and he had come to the opinion, not without doubt, that the act did not restrict the commissioners to administer oaths at their respective places of business; and this opinion was strengthened by an observation made to him by Lord Justice Turner, (who was on the bench), that 'it was clear that the act was not intended so to restrict them, for by the 7th section the commissioners were empowered to administer oaths in the county palatine of Lancaster.'" The learned Lord Justice must have read this 7th section hastily, for it does not bear the construction thus put upon it. It merely empowers the commissioners "to administer oaths for all suits and matters whatsoever in the Chancery of the county palatine of Lancaster." The Lord Chancellor, in giving his opinion as above, stated the limit of the London Commissioners' jurisdiction to be within ten miles of Lincoln's Inn Hall. Now, the words in the 2nd section, "within ten miles from Lincoln's Inn Hall," are merely words of qualification for the office of London Commissioner; and unless the words "at their respective places of business" are read as limiting the jurisdiction, there are no words in the act which do so. The words "at their respective places of business," being read as antecedent to the words "to administer," may not be strictly grammatical; but where is perfect grammar to be looked for in acts of Parliament? They

\* The 1st, 2nd, and 7th sections of the act are as follow:—

Sect. 1. "The persons now styled 'Masters Extraordinary in Chancery' shall cease to be so styled, and they, and all persons hereafter appointed by the Lord Chancellor to execute like duties in England, shall be designated 'Commissioners to administer Oaths in Chancery in England,' and shall possess and exercise all such powers and discharge all such duties as now appertain to the office of Master Extraordinary in Chancery by virtue of any statute or order of the Court of Chancery or of the Lord Chancellor, or usage in that behalf, or otherwise."

Sect. 2. "It shall be lawful for the Lord Chancellor from time to time to appoint any persons practising as solicitors within ten miles from Lincoln's Inn Hall, at their respective places of business, to administer oaths and take declarations, affirmations, and attestations of honour in Chancery, and to possess all such other powers and discharge all such other duties as aforesaid; and such persons shall be styled 'London Commissioners to administer Oaths in Chancery;' and they shall be entitled to charge and take a fee of 1s. 6d. for every oath administered by them, and for every declaration, affirmation, or attestation of honour taken by them, subject to any order of the Lord Chancellor varying or annulling the same."

Sect. 7. "That where any person is or shall be authorised to administer oaths for the High Court of Chancery, such is and shall be authorised to administer oaths for all suits and matters whatsoever in the Chancery of the county palatine of Lancaster; and where any plea, answer, affidavit, or other document whatsoever is or shall be receivable in evidence in the High Court of Chancery, the same shall be in like manner receivable in the said court of the county palatine."

are, at all events, sense. On the contrary, reading the words as part of the qualification for the office, they are not merely surplusage, but wholly without meaning. If, as thrown out by the Lord Chancellor, there is the least doubt on the subject, it ought to be set at rest by a declaratory act; for in the event—not an unlikely one—of an indictment for perjury, or any other criminal offence, founded on an answer or affidavit sworn before one of the London Commissioners elsewhere than at his place of business, surely the defendant would get the benefit of any such doubt.

[We have not any report of the case referred to by our correspondent. If reported as stated by him, it must certainly be incorrectly reported, as it is quite impossible that the Lord Chancellor and Lord Justice Turner can have said concurrently the two things imputed to them. The Lord Chancellor may by possibility have held that the 2nd section was to be read, that persons "practising within ten miles of Lincoln's Inn Hall, at their respective places of business," may be appointed to administer oaths, without limit as to the locality in which they are to administer the oaths, though we can hardly think that his Lordship did so hold; but if he did state that opinion, then Lord Justice Turner's alleged construction of the 7th section would have been at least consistent with it. But if the Lord Chancellor held that the commissioner, though not limited to his own place of business, is limited to ten miles from Lincoln's Inn Hall, then Lord Justice Turner's alleged construction of the 7th section would be in direct opposition to, instead of supporting, the Lord Chancellor's opinion.]

We confess we greatly doubt either of the learned judges having given the opinion attributed to him, as it seems scarcely possible to doubt, that, as suggested by our correspondent, the construction of the 2nd section is, that the persons to be appointed must be solicitors practising within ten miles of Lincoln's Inn Hall, that being their qualification for appointment as London Commissioners, and that they are to administer oaths at their respective places of business, which of course would be within the ten miles. If read as appointing persons practising as solicitors within ten miles from Lincoln's Inn Hall, at their places of business, the observation immediately occurs, how can persons practise as solicitors except at their places of business?—and that if so read, then clearly there is no limit to their authority in point of locality, which would be quite inconsistent with the distinction between them as "London Commissioners" and the commissioners of the 1st section, who are only the country Masters Extraordinary with new faces. As to the 7th section, it is quite clear that all it means to do is to give to any person, who has authority to administer oaths for the Court of Chancery, the like power to administer them for the business of the Lancaster Court—not necessarily in Lancashire, but wherever the particular commissioner might administer oaths for the Court of Chancery; and so we are confident it will be decided if the point should ever come to be heard on argument.—ED.]

**REGISTRATION OF TITLE COMMISSION.**—The Queen has been pleased to appoint the Right Hon. Spencer Horatio Walpole; the Right Hon. Joseph Napier; Sir Alexander James Edmund Cockburn, Knt., Attorney-General; Sir Richard Bethell, Knt., Solicitor-General; Thomas Emerson Headlam, Esq., Q. C.; Vincent Scully, Esq., Q. C.; Robert Lowe, Esq., Barrister at Law; William David Lewis, Esq., Barrister at Law; Henry Drummond, Esq.; John Evelyn Denison, Esq.; Robert Wilson, Esq.; and William Strickland Cookson, Esq., to be her Majesty's Commissioners for considering the subject of the registration of title with reference to the sale and transfer of land.

## COURT OF QUEEN'S BENCH.

HILARY TERM.—17 VICTORIA.—Jan. 23, 1854.

This Court will on Friday the 3rd, Saturday the 4th, Monday the 6th, Tuesday the 7th, and Wednesday the 8th days of February next, hold sittings, and will proceed in disposing of the remaining cases in the New Trial Paper, the Special and the Crown Papers, in the order named; and will also hold a sitting on Saturday the 18th day of February next, to give judgment in any undecided cases which may have been argued. The Court will sit at ten o'clock on the first five days, and at twelve o'clock on the last. BY THE COURT.

## COURT OF EXCHEQUER.

HILARY TERM.—17 VICTORIA.—Jan. 23, 1854.

This Court will hold sittings on Wednesday the 1st day of February next, and on every succeeding day (Sunday excepted) until and including Tuesday the 7th day of February next, and will at such sittings proceed in disposing of the business then pending in the Paper of New Trials and in the Special Paper, and in all other business then pending in this Court; and will also hold a sitting on Thursday the 23rd day of February next, and will on the said 23rd day of February next proceed in giving judgment in all matters then standing for judgment.

FREDERICK POLLOCK.

J. PARKE.

E. H. ALDERSON.

SAMUEL MARTIN.

## COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.

The Lord Chancellor, under the powers of the 16 & 17 Vict. c. 78, intituled "An Act relating to the Appointment of Persons to administer Oaths in Chancery, and to Affidavits made for Purposes connected with Registration," has appointed the following gentlemen to be Commissioners for administering Oaths in Chancery:—

George Frederick Abrahams, 6, Great Marlborough-street, and 1, Fortress-terrace, Kentish-town, to be a London Commissioner.

William Pownall, 9, Staple-inn, to be a London Commissioner.

Edward Burkitt, Curriers'-hall, London-wall, City, to be a London Commissioner.

George Cox, 14, Sise-lane, City, to be a London Commissioner.

William Collisson, 28, Great James-street, Bedford-row, to be a London Commissioner.

Hyla Holden, Worcester, to be a Commissioner in England.

James Wells Taylor, 28, Great James-street, Bedford-row, to be a London Commissioner.

John Smale Torr, 38, Bedford-row, to be a London Commissioner.

William Jones, 7, Crosby-square, City, to be a London Commissioner.

Richard Minshull Jones, 190, Tooley-street, Southwark, to be a London Commissioner.

Barclay Farquharson Watson, 36, Lincoln's-inn-fields, to be a London Commissioner.

William Martin Wilkinson, 44, Lincoln's-inn-fields, to be a London Commissioner.

Henry Vallance, 20, Essex-street, Strand, to be a London Commissioner.

James Bird, 5, New-inn, Strand, 30, Hornton-street, Kensington, and Brook-green, Hammersmith, to be a London Commissioner.

Charles Matthew Clode, 2, Gray's-inn-square, to be a London Commissioner.

Stephen Williams, 16, Bedford-row, to be a London Commissioner.  
 Nathaniel Hollingsworth, 24, Gresham-street, City, to be a London Commissioner.  
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 William Tredway Clarke, 30, Great James-street, Bedford-row, to be a London Commissioner.  
 John Clayton, 10, Lancaster-place, Strand, to be a London Commissioner.  
 John Parkinson, 9, Argyle-street, Regent-street, to be a London Commissioner.  
 Matthew Ford, 8, Lincoln's-inn-fields, to be a London Commissioner.  
 Thomas Henry Street, 1, Brabant-court, Philpot-lane, City, to be a London Commissioner.  
 James Williamson, 10, Great James-street, Bedford-row, to be a London Commissioner.  
 Edwin Ward Scadding, 1, Gordon-street, St. Pancras, to be a London Commissioner.  
 Edward Brooksbank Tattershall, 9, Great James-street, Bedford-row, to be a London Commissioner.  
 Edward Thompson, 4, Stone-buildings, Lincoln's-inn, to be a London Commissioner.  
 Charles Rivington, 1, Fenchurch-buildings, to be a London Commissioner.  
 Frederick Allan Grant, 13, King's-road, Gray's-inn, to be a London Commissioner.  
 John Randall, 10, King's-bench-walk, Temple, to be a London Commissioner.  
 Frederick Ouvrey, 13, Tokenhouse-yard, City, to be a London Commissioner.  
 Joseph Muskett Yetta, Temple-chambers, Fleet-street, to be a London Commissioner.

### London Gazette.

FRIDAY, JANUARY 20.

#### BANKRUPTS.

**BENJAMIN MILLER**, Landport, Portsea, Southampton, mercer and draper, Jan. 31 at 11, and March 2 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Sole & Co., Aldermanbury.—Petition filed Jan. 3.  
**GEORGE NEWMAN**, Stratford-place, Camden-town, Middlesex, builder, Jan. 28 at 11, and March 3 at half-past 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Laurence & Co., 12, Bread-street, Cheapside.—Petition dated Jan. 17.  
**JOHN HALES SWEET**, Tunbridge Wells, Kent, seedsman, florist, dealer and chapman, Jan. 27 and Feb. 28 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Pawle, 5, New-inn, Strand, London.—Petition filed Jan. 5.  
**HARRY WINTON, HARRY JOHN LANGRIDGE WINTON, and EDWIN WILLIAM WINTON**, Birmingham, agricultural implement makers, dealers and chapmen, (trading under the firm of Winton & Sons), Jan. 31 and March 7 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. E. & H. Wright, Birmingham.—Petition dated Jan. 13.  
**WILLIAM TAYLOR WARREN, MATTHEW WARREN, and CHARLES DENROCHE**, Cardiff, Glamorganshire, contractors, builders, dealers and chapmen, Feb. 3 and March 8 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Savery & Co., Bristol.—Petition filed Jan. 13.  
**GEORGE KILICK KENT**, Taunton, Somersetshire, plumber and painter, Jan. 26 and Feb. 23 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Messrs. Frenchard, Taunton; Stogdon, Exeter.—Petition filed Jan. 17.  
**CHARLES JOHN POOLE**, Bridgewater, Somersetshire, baker, dealer and chapman, Jan. 26 and Feb. 23 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Herniman; Sols. Smith, jun., Bridgewater; Stogdon, Exeter.—Petition filed Jan. 19.

**WILLIAM HESKETH**, Blackburn, Lancashire, cotton manufacturer, Jan. 31 and Feb. 21 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Wilkinson, Blackburn; Sale & Co., Manchester.—Petition filed Jan. 11.

**JOHN WORSLEY**, Macclesfield, Cheshire, cabinet maker, Feb. 6 and 28 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Taylor, Manchester; Taylor, 15, South-street, Finsbury-square, London.—Petition filed Jan. 9.

#### MEETINGS.

*William Brook*, Manchester and London, stuff merchant, Feb. 1 at 11, District Court of Bankruptcy, Manchester, last ex.—*George Langford*, Portsea, Southampton, brewer, Feb. 8 at 12, Court of Bankruptcy, London, aud. ac.—*W. Younger* the younger, King's-Arms-buildings, Cornhill, London, auctioneer, Feb. 8 at 12, Court of Bankruptcy, London, aud. ac.—*Edward H. Parkes*, Upper Ebury-street, Fimlico, Middlesex, corn chandler, Feb. 8 at 12, Court of Bankruptcy, London, aud. ac.—*Wm. Brown*, Portsmouth, Southampton, licensed victualler, Feb. 13 at 12, Court of Bankruptcy, London, aud. ac.—*T. Johnson*, Broad-street-buildings, London, merchant, Feb. 2 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Simon L. Oppenheim*, Broad-street-buildings, London, merchant, Feb. 2 at 11, Court of Bankruptcy, London, aud. ac.—*Thomas Thame*, Buckingham, innkeeper, Feb. 2 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Stephen Crute*, Liverpool, slater, Jan. 30 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*William Jones*, Conway, Carnarvonshire, chemist, Jan. 30 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*John Heap* the elder and *Richard Heap*, Longsight, Manchester, silk printers, Feb. 2 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*George C. Pauling and Robert C. Sharp*, Manchester, merchants, Feb. 1 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Thomas Kershaw*, Crossland, near Huddersfield, Yorkshire, and Manchester, stone merchant, Jan. 30 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Feb. 13 at 12, div.—*Alexander M'Kerrow*, Kingston-upon-Hull, Yorkshire, draper, Feb. 8 at 12, District Court of Bankruptcy, Kingston-upon-Hull, aud. ac.—*Wm. Broadbent*, Delph, Yorkshire, cloth merchant, Feb. 2 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Joseph Wood*, Barnsley, Yorkshire, linen manufacturer, Feb. 2 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*John Hamilton*, King-street, St. James's, Middlesex, wine merchant, Feb. 14 at 11, Court of Bankruptcy, London, div.—*John Powell and David Powell*, Woolwich, Kent, linendrapers, Feb. 14 at half-past 11, Court of Bankruptcy, London, div.—*Joseph Matthews*, Great Waltham, Essex, grocer, Feb. 15 at 2, Court of Bankruptcy, London, div.—*Charles S. Coe*, Oxford-street, Middlesex, shoemaker, Feb. 14 at 11, Court of Bankruptcy, London, div.—*Thomas Corpe*, Limehouse, Middlesex, tavern keeper, Feb. 14 at 11, Court of Bankruptcy, London, fin. div.—*James Dowie*, Chepstow, Monmouthshire, wine merchant, Feb. 16 at 11, District Court of Bankruptcy, Bristol, div.—*Wm. Haining*, Cheltenham, Gloucestershire, grocer, Feb. 23 at 11, District Court of Bankruptcy, Bristol, div.—*Edward Pass*, Sheffield, Yorkshire, butcher, Feb. 11 at 12, District Court of Bankruptcy, Sheffield, div.

#### CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

*Wm. Crebo and John Hay*, Mount-street, Lambeth, Surrey, tailors, Feb. 14 at half-past 11, Court of Bankruptcy, London.—*Joseph Matthews*, Great Waltham, Essex, grocer, Feb. 16 at 2, Court of Bankruptcy, London.—*Wm. Brown*, Portsmouth, Southampton, licensed victualler, Feb. 13 at 12, Court of Bankruptcy, London.—*Charles S. Twigg*, Cardiff, Glamorganshire, brickmaker, Feb. 14 at 11, District Court of Bankruptcy, Bristol.—*John Wills*, Exeter, builder, Feb. 23 at 1, District Court of Bankruptcy, Exeter.—*George Alcock*, Manchester, draper, Feb. 14 at 12, District Court of Bankruptcy, Manchester.—*John L. Ward*, Fullege, Burnley Wood, Burnley, Lancashire, cotton spinner, Feb. 13 at 12, District Court of Bankruptcy, Manchester.—*W. Thomas* the younger, Haworth, Yorkshire, worsted spinner, Feb. 10 at 11, District Court of Bankruptcy, Leeds.—*Gregory Barrett* the elder and *Gregory Barrett* the younger, Kidderminster, and Bath-street, Newgate-street, London, carpet manufacturers, Feb. 15

at 11, District Court of Bankruptcy, Birmingham.—*James Alcock and Richard Bell*, Longton, Staffordshire, auctioneers, Feb. 7 at 11, District Court of Bankruptcy, Birmingham.

To be granted, unless an Appeal be duly entered.

*F. P. R. Webb*, Nicholas-lane, Lombard-st., London, merchant.—*T. L. Powell*, Romsey, Hampshire, upholsterer.—*Henry M. Haviland*, Denham, Buckinghamshire, cowkeeper.—*Wm. Warrington* the elder, Upper Berkeley-street West, Hyde-park-square, Middlesex, painter.—*James Forster*, Wimborne, Dorsetshire, market gardener.—*Thos. Fenwick*, Tynemouth, Northumberland, common brewer.—*J. Fish*, Helmshaw, near Haslingden, Lancashire, cotton manufacturer.

#### PARTNERSHIPS DISSOLVED.

*John Ridley and John Porter* Dolphin, Newcastle-upon-Tyne, and Hexham, Northumberland, attorneys-at-law and solicitors.—*Thomas Hanson Peile, Rowland Babington Peile, and Wm. Henry Murch*, (under the firm of Peile, Son, & Murch), Mansion-house-place, London, attorneys and solicitors, (so far as regards the said *Wm. H. Murch*).—*Charles Denme and Arthur Goodrich*, (under the firm of Deane & Goodrich), Lincoln's-inn-fields, Middlesex, attorneys-at-law and solicitors.—*Richard Nation, Richard Stileman, and John Neale*, Orchard-street, Portman-square, London, attorneys and solicitors.

#### SCOTCH SEQUESTRATION.

*Wm. King*, Glenpatrick, near Johnstone, Renfrewshire, distiller.

#### INSOLVENT DEBTORS

Who have fled their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Richard Nuttall*, Ramsbottom, Lancashire, beerseller, Feb. 8 at 11, County Court of Lancashire, at Bury.—*Wm. Pogson*, Rashcliffe, Almondsbury, Yorkshire, out of business, Feb. 2 at 10, County Court of Yorkshire, at Huddersfield.—*Edward Margetson*, Westfield, Huddersfield, Yorkshire, yeoman, Feb. 2 at 10, County Court of Yorkshire, at Huddersfield.—*John Gethard*, Huddersfield, Yorkshire, drysalter, Feb. 2 at 10, County Court of Yorkshire, at Huddersfield.—*A. Cocking*, Clown, Derbyshire, coal miner, Feb. 11 at 11, County Court of Nottinghamshire, at Worksop.—*Francis George Sherrard*, Bristol, attorney-at-law, Feb. 1 at 11, County Court of Gloucestershire, at Bristol.—*Wm. W. Wilkes*, Darlaston, Staffordshire, ironfounder, Jan. 26 at 10, County Court of Staffordshire, at Walsall.—*George Harvey*, Walsall, Staffordshire, carpenter, Jan. 26 at 10, County Court of Staffordshire, at Walsall.—*Daniel Porcher*, Saffron Walden, Essex, confectioner, Jan. 31 at 10, County Court of Essex, at Saffron Walden.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

Feb. 3 at 10, before the CHIEF COMMISSIONER.

*Thos. Harrington*, Tavistock-court, Covent-garden, Middlesex, clerk in the Inland Department of the General Post-office, St. Martin's-le-Grand, London.—*John Finch*, Pleasant-place, King's-cross, Holloway-road, Middlesex, cheesemonger.

Feb. 4 at 11, before Mr. Commissioner PHILLIPS.

*Joseph Smith*, Catherine-street, Strand, Middlesex, managing clerk to a stationer.—*Henry Hugh Halton*, Barrow-hill-road, High-street, Portland-town, St. Marylebone, Middlesex, cowkeeper.—*Wm. Harding*, Brand-street, Blandford-square, Middlesex, out of business.—*S. Wray*, Gerrard-st., River-terrace, City-road, Middlesex, out of business.

Feb. 6 at 11, before the CHIEF COMMISSIONER.

*Samuel Ayler*, York-street, High-street, Camden-town, Middlesex, hint manufacturer.—*John Groves*, Bishopsgate-st. Without, London, saddler.

Feb. 6 at 11, before Mr. Commissioner PHILLIPS.

*Henry Robinson*, John's-place, Little James-street, Bedford-row, Middlesex, labourer.

The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

Feb. 3 at 10, before the CHIEF COMMISSIONER.

*Henry Wells Young*, Westbourne-park-road, Paddington, Middlesex, attorney-at-law.

Feb. 3 at 10, before Mr. Commissioner MURPHY.

*John Philip Newman*, Great Queen-street, Lincoln's-inn-fields, Middlesex, tailor.

Feb. 4 at 11, before Mr. Commissioner PHILLIPS.

*Frederick Wm. St. John Dawson*, Tarring-street, Commercial-road East, Middlesex, attorney's clerk.

Feb. 4 at 10, before Mr. Commissioner MURPHY.

*J. McCabe*, Tabernacle-walk, Finsbury, Middlesex, carrier.

Adjourned.

Feb. 4 at 11, before Mr. Commissioner PHILLIPS.

*Algernon Sydney Sparks*, Little Queen-st., Westminster, Middlesex, commission agent.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Lancashire, at LANCASTER, Feb. 3 at 12.

*Thomas McKie*, Wigan, provision-shop keeper.—*Wm. John Brooks Collins*, Liverpool, foreman in a biscuit manufactory.—*F. Barker*, Chorlton-upon-Medlock, Manchester, butcher.—*Julius Ahlborn*, Liverpool, haberdasher.—*Thomas Waterworth Drury*, Preston, grocer.—*James Adamson*, Manchester, accountant.—*John Richardson*, Salford, out of business.—*J. Guilford*, Hulme, Manchester, grocer.—*Chas. Hooper Cope*, Manchester, accountant.—*J. Wormald*, Manchester, packer.—*James Calvin*, Liverpool, joiner.—*Abel Pimblett*, Bolton-le-Moors, out of business.—*Ann Davidson*, Liverpool, lodging-house keeper.—*John Runccliffe*, Blackburn, fishmonger.—*Jas. Gee*, Preston, mechanic.—*J. Wilson*, Blackburn, fishmonger.

At the County Court of Somersetshire, at TAUNTON, Feb. 7.

*Samuel Vincent*, Taunton, out of business.—*Geo. Parker*, Weston-super-Mare, tailor.

At the County Court of Berkshire, at READING, Feb. 9.

*Klein Grant*, Maidenhead, physician.

At the County Court of Nottinghamshire, at NOTTINGHAM, Feb. 16.

*John Seagrave* the elder, Balwell, near Nottingham, framework knitter.

## TUESDAY, JANUARY 24.

### BANKRUPTS.

**HENRY JACKSON**, Eton, Buckinghamshire, linendraper, dealer and chapman, Feb. 1 and March 7 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Depree & Austen, 9, Lawrence-lane, Cheapside. — Petition filed Jan. 11.

**EMILE DUNIN**, (known as Count Dunin), of Westbourne-terrace, Paddington, formerly of Saville-row, Burlington-gardens, and prior to that of Queen Charlotte-row, and Gloucester-place, New-road, Marylebone, Middlesex, machinist, Feb. 4 at 12, and March 10 at 1, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Colombine, 21, Margaret-st., Cavendish-square. — Petition dated Jan. 14.

**HENRY CLARE TIMPSON**, Woolwich, Kent, surgeon and apothecary, dealer and chapman, Feb. 7 at 1, and March 7 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Carttar, Greenwich, Kent. — Petition filed Jan. 23.

**JAMES COWDEROY**, Hammersmith, Middlesex, omnibus proprietor and licensed victualler, Feb. 7 and March 7 at 11, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Selby & Mackeson, 59, Lincoln's-inn-fields. — Petition filed Jan. 16.

**GEORGE HAINES**, late of Tocknells Mills, near Painswick, but now of Kingstanley, near Stroud, Gloucestershire, miller and mealman, dealer and chapman, Feb. 8 and March 8 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Wilke, Gloucester. — Petition filed Jan. 10.

**SAMUEL GODFREY MOULTON SCOWEN**, Wood-street, Cheapside, London, warehouseman, Feb. 1 at 2, and March 7 at half-past 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Pain, Gresham-street, City.—Petition filed Jan. 23.

**WILLIAM MUNRO DUFFIELD**, Heavitree, Devonshire, commission agent, dealer and chapman, Feb. 2 and 27 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Terrell, Exeter.—Petition filed Jan. 20.

**WILLIAM BIRKETT**, Manningham, Bradford, Yorkshire, soap manufacturer, Feb. 6 and March 7 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Taylor, Bradford; Blackburn, Leeds.—Petition dated Jan. 17.

**ROBERT MILNER**, Doncaster, Yorkshire, hatter, dealer and chapman, Feb. 4 and March 4 at 12, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sol. Fisher, Doncaster.—Petition dated Jan. 5.

#### MEETINGS.

**Wm. Outram**, Stockton-upon-Tees, Durham, timber merchant, Feb. 22 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—**Ralph Hutchinson**, Monkwearmouth Shore, Durham, ship builder, Feb. 15 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—**Wm. Tomlinson**, Manchester, publican, Feb. 10 at 12, District Court of Bankruptcy, Manchester, last ex.—**William Cutler** the younger, Ryde, Isle of Wight, carpenter, Feb. 7 at half-past 12, Court of Bankruptcy, London, aud. ac.—**Thomas Cook Millington**, Maldon, Essex, chemist, Feb. 8 at 12, Court of Bankruptcy, London, aud. ac.—**Charles Sumpter Morris**, Soham, Cambridgeshire, gas manufacturer, Feb. 4 at 12, Court of Bankruptcy, London, aud. ac.—**Wm. Davison**, Newcastle-upon-Tyne, gun maker, Feb. 22 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac. and pr. d.—**Geo. Booth**, Bishopwearmouth, Sunderland, ship owner, Feb. 16 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—**Henry Brown**, Old Fish-street-hill, London, importer of foreign glass, Feb. 15 at 11, Court of Bankruptcy, London, div.—**Wm. R. Carter**, Ingram-court, Fenchurch-st., London, wine merchant, Feb. 21 at 11, Court of Bankruptcy, London, div.—**George M. Mowbray**, Hove, Sussex, builder, Feb. 21 at 11, Court of Bankruptcy, London, div.—**E. Ridley**, Liverpool, tailor, Feb. 14 at 11, District Court of Bankruptcy, Liverpool, div.—**Christian B. Reid**, Newcastle-upon-Tyne, common brewer, Feb. 16 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—**Thomas M'Cree** and **Andrew M'Cree**, Newcastle-upon-Tyne, grocers, Feb. 22 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

**Edward Ablewhite**, Mortimer-street, Cavendish-square, Middlesex, coachbuilder, Feb. 21 at 12, Court of Bankruptcy, London.—**Owen Sturgis** and **William Adams**, College-villas, New Finchley-road, St. John's Wood, Middlesex, builders, Feb. 16 at half-past 1, Court of Bankruptcy, London.—**Samuel L. Pratt**, New Bond-street, Middlesex, upholsterer, Feb. 15 at 11, Court of Bankruptcy, London.—**E. Dennis**, Rickmansworth, Hertfordshire, licensed brewer, Feb. 15 at 1, Court of Bankruptcy, London.—**William Telling**, Fairford, Gloucestershire, baker, Feb. 22 at 11, District Court of Bankruptcy, Bristol.—**Richard Wilson** and **John Seaton Wilson**, Kingston-upon-Hull, Yorkshire, stonemasons, Feb. 15 at half-past 12, District Court of Bankruptcy, Kingston-upon-Hull.—**John Tate**, Darlington, Durham, iron merchant, Feb. 20 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—**George Booth**, Bishopwearmouth, Sunderland, Durham, ship-owner, Feb. 16 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—**Wm. Holme**, Manchester, cotton manufacturer, Feb. 16 at 12, District Court of Bankruptcy, Manchester.

*To be granted, unless an Appeal be duly entered.*

**Peter Foot**, Bermondsey, Surrey, licensed victualler.—**W. R. Carter**, Ingram-court, Fenchurch-street, London, wine merchant.—**John H. Croucher**, Fonthill-place, Clapham-rise, Surrey, boarding-house keeper.—**Thomas Pye**, Manor-street, Chelsea, Middlesex, sawyer.—**Joseph Thompson**, Allonby, Cumberland, common brewer.—**John Mansfield**, Lyme Regis, Dorsetshire, shipbuilder.—**Robert C. Hopekirk**, Exeter, perfumer.—**Richard Heap**, Longsight, Manchester, silk printer.—**Wm. Lynam**, Birmingham, plumber.—**Wm. Reynolds** the

younger, Fulford Hall Farm, Warwickshire, sheep salesman.—**James G. Retchford**, Stone, Staffordshire, shoe dealer.—**Wm. Reynolds** the elder, Wiggins Hill, Warwickshire, cattle dealer.

#### PETITION ANNULLLED.

**John Dawson**, Tolleshunt D'Arcy, Essex, surgeon.

#### PARTNERSHIPS DISSOLVED.

**James Birch** and **Wm. R. Prieaux**, Great Winchester-st., London, attorneys and solicitors.—**John Thistlewood** and **George H. Thistlewood**, Pancras-lane, Queen-street, Cheapside, London, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

**John Thompson**, Glasgow, mason.—**John Hendrie**, Inverness, builder.—**Alexander Lillie**, Banff, merchant.—**Samuel M'Kee**, Girvan, Ayrshire, grocer.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

**Stephen Scorey**, Melcombe Regis, Dorsetshire, livery-stable keeper, Feb. 9 at 10, County Court of Dorsetshire, at Weymouth.—**George Nickson**, Shorne, near Gravesend, Kent, baker, Feb. 11 at 10, County Court of Kent, at Gravesend.—**Robert Cowan**, Newcastle-upon-Tyne, bookbinder, Feb. 9 at 10, County Court of Northumberland, at Newcastle.—**Harry E. Wartinaby**, Birkenhead, Cheshire, bookkeeper, Feb. 3 at 10, County Court of Cheshire, at Birkenhead.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Feb. 8 at 10, before the CHIEF COMMISSIONER.*

**Edmund Newton**, Marlborough-road, St. Luke's, Chelsea, Middlesex, out of business.—**James Graham** the elder, Salisbury-street, Portman-market, Middlesex, carpenter.

*Feb. 8 at 10, before Mr. Commissioner MURPHY.*

**J. Brooks**, Rotunda, Blackfriars-road, Southwark, Surrey, vocalist.—**Wm. Tucknell**, Grange-road, Bermondsey, Surrey, engraver.—**Joseph Simmons**, High-st., Portland-town, Middlesex, earthenware dealer.—**Richard Holder**, Thorpe, Surrey, agricultural labourer.—**Jas. Pullen**, New North-street, Tebbald's-road, Middlesex, furniture dealer.—**Josiah Lambert**, Chiswell-street, Finsbury, Middlesex, undertaker.

*Saturday, Jan. 21.*

*An Assignee has been appointed in the following Case. Further particulars may be learned at the Office in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

**James Hart**, Chichester, Sussex, out of business, No. 77,267 C.; **Wm. Gloyne**, assignee.

*Saturday, Jan. 21.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

**Stephen Austen**, Dover-road, Southwark, Surrey, coffee-house keeper: in the Queen's Prison.—**Edward Scrallton**, Conduit-street, Regent-street, Middlesex, in no profession: in the Queen's Prison.—**Anthony B. Pike**, New Charlton, Kent, clerk in her Majesty's Dockyard, Woolwich: in the Queen's Prison.—**John Wakes**, Luton, Bedfordshire, confectioner: in the Debtors Prison for London and Middlesex.—**W. Prestige**, Bedford-row, Walworth-road, Surrey, cheesemonger: in the Debtors Prison for London and Middlesex.—**Alfred Valentine Gunnell**, Queen's-terrace, Bayswater, Middlesex, parliamentary agent: in the Debtors Prison for London and Middlesex.—**Wm. Allen**, New-road, Commercial-road East, Middlesex, labourer in the London Docks: in the Debtors Prison for London and Middlesex.—**Elizabeth Grayson**, Langport-place, Camberwell New-road, Surrey, laundress: in the Gaol of Surrey.—**Wm. P. M. Croft**, Great Windmill-street, Haymarket, Middlesex, licensed victualler: in the Queen's Prison.—**Richard Wade**, Upper Barnsbury-street, Islington, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—**John Frost**, Ranelagh-place, Pimlico, Middlesex, agricultural labourer: in the Debtors Prison for London and Middlesex.—**George Cluser Gwynn**, Old-street-road, Shoreditch, Middlesex, licensed dealer in

beer: in the Debtors Prison for London and Middlesex.—*Jules George Kammerer*, Cranbourn-street, St. Martin-in-the-Fields, Middlesex, coffee-house keeper: in the Debtors Prison for London and Middlesex.—*Wm. Bright Heighton*, Spring-garden-place, Pimlico, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*George Flynn*, London-road, Southwark, Surrey, out of business: in the Debtors Prison for London and Middlesex.—*H. Askham*, Arlington-st., Camden-town, Middlesex, foreman to a tailor: in the Debtors Prison for London and Middlesex.—*N. Bull Jay*, Grove-villas, New-road, Shepherd's-bush, Middlesex, boarding-house keeper: in the Debtors Prison for London and Middlesex.—*Thos. Beesley*, Bay-street, Mayfield-road, Dalton, Middlesex, accountant's clerk: in the Debtors Prison for London and Middlesex.—*Humphrey Stevenson*, Maria-street, Kingsland-road, Middlesex, draper: in the Debtors Prison for London and Middlesex.—*H. Nicholson*, Sussex-place, Enfield-road, Middlesex, secretary to the East Bosorn Mining Company: in the Debtors Prison for London and Middlesex.—*Thomas Hill*, Chatham, Kent, commission agent for the sale of horses: in the Debtors Prison for London and Middlesex.—*Thomas James Boardman*, Albion-road, Wandsworth-road, Surrey, doctor of music: in the Gaol of Surrey.—*Moses Dearden*, Gannow, near Burnley, Lancashire, out of business: in the Gaol of Lancaster.—*John Wormald*, Manchester, packer: in the Gaol of Lancaster.—*Jas. Gee*, Preston, Lancashire, mechanic: in the Gaol of Lancaster.—*James Wilson*, Blackburn, Lancashire, fishmonger: in the Gaol of Lancaster.—*Ann Davidson*, Liverpool, lodging-house keeper: in the Gaol of Lancaster.—*John Rawcliffe*, Blackburn, Lancashire, fishmonger: in the Gaol of Lancaster.—*Jas. Catlin*, Liverpool, builder: in the Gaol of Lancaster.—*Chas. Butterfield*, Kirkgate, Leeds, Yorkshire, out of business: in the Gaol of York.—*William Dickinson*, Pontefract, Yorkshire, joiner: in the Gaol of York.—*George Parker*, Weston-super-Mare, Somersetshire, tailor: in the Gaol of Wilton.—*Samuel Jane*, St. Dominic, Cornwall, farmer: in the Gaol of Bodmin.—*W. Dearden*, Padham, near Burnley, Lancashire, farrier: in the Gaol of Lancaster.—*John Guilford*, Hulme, Manchester, provision-shop keeper: in the Gaol of Lancaster.—*John Greenwood*, Halifax, Yorkshire, out of business: in the Gaol of York.—*Joseph Lightowler*, Knottingley, near Ferrybridge, Yorkshire, lime burner: in the Gaol of York.—*George Butcher*, South Shore, near Blackpool, Lancashire, builder: in the Gaol of Lancaster.—*J. Gwatkin* the younger, Chepstow, Monmouthshire, builder: in the Gaol of Monmouth.—*Wm. Quinlan*, Blackheath, Kent, share dealer: in the Gaol of Maidstone.—*Thos. Hitchmough*, Runcorn, Cheshire, salt merchant: in the Gaol of Chester.—*Wm. Tytherleigh*, Birmingham, foreman at the Crown Works: in the Gaol of Coventry.—*H. Sibley*, Ampton-place, Gray's-inn-road, Middlesex, attorney-at-law: in the Gaol of Dover.—*Edw. Dalton*, Salford, Lancashire, joiner: in the Gaol of Lancaster.—*John Marshall*, Salford, Lancashire, joiner: in the Gaol of Lancaster.—*Wm. Clifton*, Preston, Lancashire, farmer: in the Gaol of Lancaster.—*John Rossiter*, Westbury, Leigh, Wiltshire, clothier: in the Gaol of Fisherton Anger.—*Elizabeth Adams*, Barking, Essex, out of business: in the Gaol of Springfield.—*The Hon. B. T. M. Cecil*, Dover, Kent, in no profession: in the Gaol of Dover.—*Fanny Watts*, Chatham, Kent, out of business: in the Gaol of Maidstone.—*A. Saunders*, Greenwich, Kent, licensed victualler: in the Gaol of Maidstone.—*Thomas Richards*, Whitstable, Kent, master mariner: in the Gaol of Maidstone.—*Matthew Gaunt*, Dewsbury, Yorkshire, out of business: in the Gaol of York.—*H. Marsden*, Talyfedw, Pencarreg, Carmarthenshire, foreman to a cattle dealer: in the Gaol of Carmarthen.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Feb. 1 at 10, before the CHIEF COMMISSIONER.*

*Adjourned Hearing.*

*Wm. F. Parslow*, St. Andrew's-road, Horsemonger-lane, Newington, Surrey, timber dealer.

*Feb. 9 at 10, before the CHIEF COMMISSIONER.*

*Ebenezer Hartnall*, Carpenter's-buildings, London-wall, London, commission agent for the sale of boots.

*Feb. 9 at 11, before Mr. Commissioner PHILLIPS.*

*William Prestige*, Beckford-row, Walworth-road, Surrey, cheesemonger.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Kent, at MAIDSTONE, Feb. 7 at 12.*

*T. Kirtley*, Tottenham-court-road, Middlesex, linendraper.—*Wm. Quinlan*, Lloyd's-place, Blackheath, share dealer.—*Thomas Richards*, Whitstable, mariner.—*Arthur Saunders*, Greenwich, licensed victualler.—*Fanny Watts*, Chatham, out of business.

*At the County Court of Cornwall, at BODMIN, Feb. 8 at 10.*

*Samuel Jane*, St. Dominic, farmer.

*At the County Court of Essex, at CHELMSFORD, Feb. 9 at 12.*

*John Lozell*, Love's Green, Writtle, out of business.—*G. Clarke*, North Ockendon, cattle dealer.—*Elizabeth Adams*, Barking, out of business.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Wm. Aiken*, Davies-street, Grosvenor-square, Middlesex, wine merchant: 5d. in the pound.—*Joseph Clapham*, Leeds, Yorkshire, builder: 6½d. (making 5s. 6½d.) in the pound.—*Thomas Stoker*, York, butcher: 7s. 1½d. in the pound.—*James Tucker*, Street, Somersetshire, farmer: 2s. in the pound.—*Margaret Ball*, widow, Salcombe, Marlborough, Devonshire, in no business: 1s. 9d. in the pound.—*William Hax*, Northumberland-court, Northumberland-street, Strand, Middlesex, lodging-house keeper: 1½d. in the pound.—*Henry Seed*, Preston, Lancashire, plasterer: 2s. 4½d. in the pound.—*Samuel Clapham*, Grainthorpe, near Louth, Lincolnshire, tailor: 1s. 11½d. in the pound.—*Wm. Huddleston*, Lancaster, plasterer: 10½d. in the pound.—*Joshua Mayston*, St. George's-road, Shepherd's Bush, Middlesex, classical tutor: 14s. 2d. in the pound.—*John Tomlin*, Tottenham-court-road, Middlesex, coachmaker: 7s. in the pound.—*John F. Loader*, Dartmouth-hill, Lewisham, Kent, clerk to a glass cutter: 3s. 10d. in the pound.

*Apply at the Provisional Assignees' Office, Portugal-street, Lincoln's-inn-fields, London, between the hours of 11 and 3.*

#### MEETING.

*Richard Butcher*, Kirkdale, Lancashire, ale dealer, Feb. 11 at 12, at Marter's, 5, Farnival's-inn, London, sp. aff.

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# The Jurist

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FEB. 4, 1854.

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LONDON, FEBRUARY 4, 1854.

WHEN the Chancery Commissioners recommended the resolutions which ultimately became embodied in the Chancery Improvement Act, they made one great mistake on the subject of evidence. The mistake was of a twofold character: first, as to the mode of taking evidence; secondly, as to the machinery to be organised for taking it. It was a grave mistake of principle to interpose examiners between the witnesses and the Court. It was a very great mistake, in reference to practice, to suppose that two examiners could do half the work that would have to be done. Experience has shewn what a very little reflection might have foreseen, that, if the greater part of the evidence in Chancery causes is to be taken by examiners, not two, nor three, nor six, nor ten examiners will be sufficient. In fact, not a sitting of the Court passes, in or out of term, without numerous appointments of special examiners, because the two official examiners' offices are full.

Now, if the system of examiners to take evidence out of court, and the bringing into court at the trial a record of the evidence, were fit to be continued, we should go into some detail to consider what would be the best plan for increasing the examining staff of the Court. But as we conceive that the system of separate examiners has failed signally, and must be very soon abolished, it seems to us that it would be useless to enter on the subject. To consider the best way of mending a machine utterly defective on principle, when it is as easy, and not more, or very little more, expen-

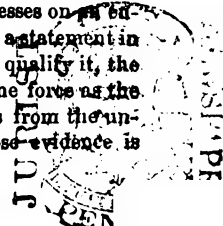
sive to substitute for it another machine founded on a sound principle, would be very bad engineering, and we shall not fatigue our readers with the attempt.

On the subject of evidence in courts of equity we have no hesitation in laying down the following two broad propositions:—

I. No contested case of any kind, interlocutory or otherwise, should ever be determined on affidavits alone, but the witnesses, whether parties or not, should be liable to cross-examination *vivâ voce*.

II. Every examination *vivâ voce* should be taken, when it is reasonably practicable, openly before the judge, who has the whole case opened before him, and has to determine the questions in relation to which the evidence is tendered.

The objection to evidence on affidavit only is, that it is wholly volunteer evidence, and therefore never sought, except from persons whose views, whether from bias or otherwise, are likely to be in accordance with those of the party seeking it; nor is ever tendered, unless, to at least a great extent, it does support the case of the party tendering it. In this it would be, to some extent, like the evidence of a witness examined orally in chief; but the difference is, that the latter, though intending, honestly or dishonestly, to be favourable to the party calling him, may by cross-examination be turned into an unfavourable witness. But the affidavit witness cannot as such be made to say anything but what he has said in chief. He may be, it is true, contradicted by another witness, but that is very different from being forced into neutralising wholly or partially his own original evidence. In the one case, his evidence is necessarily demolished, by shewing him to be inconsistent with himself. In the other, a mere conflict of evidence is set up, perhaps without any means existing by which the judge is to see which is the better evidence. Ex gr., suppose Mr. Brunel and some unknown engineer opposed as witnesses on an engineering question: if Mr. Brunel makes a statement in chief, and is led by cross-examination to qualify it, the qualification comes with exactly the same force as the assertion; but if the qualification comes from the unknown, the question arises at once whose evidence is





the most weighty; and no one can doubt that the qualification would be treated with less respect than the assertion. All the experience, indeed, of the Court of Chancery shews, that out of affidavits, in a case of any difficulty, the truth cannot be got. Very useful evidence is to be obtained by affidavit, followed by a *viva voce* cross-examination, but alone it is worse than useless.

On the subject of oral examination in open court in causes on motions—in fact, wherever there is a real contest as to facts—we have already in these pages more than once shortly commented; nor shall we abandon the subject while there is a hope of drawing to it the attention of those who may have the power as well as the will to effect a change. The expense and delay, arising out of the system of separate examiners, are enormous: the expense arising out of the unnecessary multiplication of copies of irrelevant evidence; the delay, partly out of time permitted to be occupied by examiners upon irrelevant matter, partly out of the impossibility of the official examiners doing a third of the business, and the professional avocation of special examiners preventing the application of more than small portions of time to their duties as examiners. The objection continually made to the examination of witnesses in open court, that it would occupy so much time, is, we conceive, worth just nothing. Even if the result were really to be the occupation of much more judicial time, which we greatly doubt, the question resolves itself simply into one of one or two additional judges, which again resolves itself into one of expense. Now, the present examiners and their staff cost the country something like 4000*l.* a year; and the fluctuating staff of special examiners costs the suitors certainly not less than 10,000*l.* a year—we believe much more; so that the expense saved by abolishing the existing system would be just about the expense of two more judges. But, besides, the question ought not to be treated as one of mere expense. The object of evidence being to arrive at the truth, it is the interest of the people, even if they had to pay a little more for it, to have evidence taken in the best manner; and depositions taken in private, though *viva voce*, and transferred to a brief, to be coldly read out to the judge, instead of coming warm from the lips of the witness, do not bring out the truth in the best manner.

Of the various measures of law reform which are likely to engage the attention of Parliament during the present session, we have no hesitation in ranking as the most important the bill which is promised by the Government on the subject of the testamentary jurisdiction at present exercised by the Ecclesiastical Courts. Considering that about thirty years (the period mentioned by Lord John Russell as requisite for the gestation of a measure of law reform) have been expended by the Legislature in fruitless attempts either to abolish these inconvenient and anomalous tribunals altogether, or to reform their procedure—attempts made by Lord Brougham, Lord Cottenham, Lord Lyndhurst, Sir James Graham, the present Chief Justice of the Common Pleas, Dr. Nicholl, and, last session, by the present Solicitor-General—the public may fairly con-

gratulate itself upon at length having a prospect of a satisfactory solution of this important and much-vexed question. Some of these attempts were unsuccessful simply because they proposed to deal with the purely ecclesiastical as well as the civil jurisdiction which in the progress of time had become so strangely blended together in these spiritual courts; but public men, learned by experience, have now become wiser and more discreet as to the course of action which is likely to be acceptable to the Legislature and to the country, and they therefore propose gradually to abstract from Doctors' Commons separate portions of its jurisdiction, leaving it in possession only of its Admiralty and Spiritual jurisdiction. At the present conjuncture, when a war appears imminent, and when innumerable cases of prize, of the rights of neutrals, and of the construction of international law must constantly arise, the practitioners at Doctors' Commons will still have left a sufficient amount of lucrative business to console them for the inevitable loss of testamentary and divorce cases, even should they decline to practise in the ordinary civil courts, which, as a fair measure of compensation, ought for the future to be opened to them. Her Majesty, in the speech from the throne, announces that "the recent measures of legal reform have proved highly beneficial, and the success which has attended them may well encourage you (Parliament) to proceed with further amendments. Bills will be submitted to you for transferring from the ecclesiastical courts to the civil courts the cognisance of testamentary and of matrimonial causes, and for giving increased efficiency to the superior courts of common law." The question here occurs, to what "civil courts" are these testamentary and matrimonial causes to be transferred? The Divorce Commissioners, in their report, recommend the constitution of a new court, composed of a vice-chancellor, a common-law judge, and the judge of the Consistorial Court; and that recommendation, we believe, will be carried out by the Government without any unnecessary delay. In dealing with so difficult and delicate a subject as divorce, many important matters have to be considered, such as extending to the poor a privilege which has hitherto been practically the luxury of the rich, and the moral and social injury which might be done to the community by furnishing too great a facility for divorce. On this last point Chancellor Kent remarks, "It is very questionable whether the facility with which divorces can be procured in some of the States of America be not productive of more evil than good;" and he adds, "that he has had reason to believe, in the exercise of a judicial cognisance over numerous cases of divorce, that adultery was sometimes committed, on the part of the husband, for the very purpose of obtaining a divorce." One recommendation of the commissioners, on the most obvious grounds of justice, ought to be reconsidered—we mean that which restricts the right of a wife to a divorce *à vinculo* to cases of "aggravated enormity." These matters we therefore hope will be carefully considered before the measure of the Government is introduced into Parliament.

With regard to the testamentary jurisdiction, the sole question which remains to be decided is simply this—to what tribunal can it be most beneficially transferred? The Real Property Commissioners and Lord Cottenham advocated the establishment of one central court of probate, with a general registry of wills; and Lord Lyndhurst advocated the establishment of metropolitan and diocesan courts throughout the kingdom. Both these noble and learned Lords contemplated the abolition of the courts of peculiars, which—scattered all over the country, some possessing only a limited jurisdiction, and some possessing only voluntary and not contentious jurisdiction—were as inconvenient as they were unnecessary. In

the last session of Parliament the whole question was thoroughly discussed, in reference to the bold and vigorous plan sketched by the Solicitor-General, and the plan which was embodied in a measure introduced by Mr. Collier. The Solicitor-General proposed to abolish the peculiar courts, to regulate the future jurisdiction of the diocesan courts in matters of common form up to a limited amount, and to transfer the whole testamentary jurisdiction, at present exercised by the Prerogative Court, to the Court of Chancery. He further proposed that questions of fact might be sent to the county courts for decision, and that the same tribunals might grant administration in cases where the property did not exceed a certain amount. This plan, which commanded the approbation of the House of Commons, was postponed until the Chancery Commissioners made their second report on the subject referred to them, namely, "to inquire into the law and jurisdiction of the ecclesiastical and other courts in relation to matters testamentary." In the meantime Mr. Collier brought in his bill to transfer the testamentary jurisdiction to the common-law courts; and this conflict of propositions led the practitioners in Doctors' Commons to assert that this great question had degenerated into a mere squabble between different classes of professional men for a monopoly of the testamentary business. The Chancery Commissioners have not yet made their report, but it is believed that at the last moment they have been induced substantially to sanction the plan suggested by the Solicitor-General. The Court of Chancery at the present time is the great court of administration of the country; it already possesses a most important testamentary jurisdiction; it has machinery admirably calculated for the cheap and expeditious determination of all questions which may arise in connexion with wills; and its amended procedure is so deservedly popular, that we are convinced, even if the commissioners adhered to Lord Cottenham's plan of a separate court, they would have to import into that tribunal the simple and rational system which now exists in Chancery. The common-law courts possess no machinery for administration purposes; and though Mr. Collier, in defence of his own consistency, may say a word in their favour, we believe that the time is at hand when Doctors' Commons must part with its testamentary jurisdiction to the Court of Chancery; and thus an important step will be made towards the obliteration of that system of separate and distinct jurisdictions—curious, perhaps, on account of its antiquity, but utterly repugnant to the wants and wishes of the age in which we live.

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## LIST OF SHERIFFS, APPOINTED BY HER MAJESTY IN COUNCIL, FOR 1854.

**Bedfordshire**—F. C. Polhill Turner, Esq., Howbury Hall.  
**Berkshire**—James Joseph Wheble, Esq., Bulmershe Court.  
**Buckinghamshire**—Henry Hamner, Esq., Stockgrove.  
**Camb. and Hunt.**—Geo. William Rowley, Esq., The Priory, St. Neots.  
**Cheshire**—Francis D. Palmer Astley, Esq., Duckinfield.  
**Cumberland**—Thomas Alison Hoskins, Esq., Higham.  
**Derbyshire**—William Drury Lowe, Esq., Locko Park.  
**Devonshire**—Richard Sommers Gard, Esq., Rougemont.  
**Dorsetshire**—Sir Henry Oglander, Bart., Parnham.  
**Durham**—Henry John Baker Baker, Esq., Elemore Hall.  
**Essex**—Thomas White, Esq., Weathersfield.  
**Gloucestershire**—John Henry Elwes, Esq., Coleborne House, near Northleach.  
**Herefordshire**—Elias Chadwick, Esq., Puddleston Court, near Leominster.  
**Hertfordshire**—R. Hanbury, Esq., The Poles, Thundridge.  
**Kent**—Alexander Glendining, Esq., Ashgrove, Sevenoaks.  
**Leicestershire**—Henry Corles Bingham, Esq., Wartnaby.  
**Lincolnshire**—Anthony Willson, Esq., Rauceby Hall.  
**Monmouthshire**—Thomas Brown, Esq., Ebbw Vale.  
**Norfolk**—Benjamin Bond Cabbell, Esq., Cromer Hall.  
**Northamptonshire**—The Right Hon. Anthony Henley, Lord Henley, Watford.  
**Northumberland**—S. E. Widdrington, Esq., Newton.  
**Nottinghamshire**—Samuel Bagnall Wild, Esq., Costock.  
**Oxfordshire**—John William Fane, Esq., Wormsley.  
**Rutlandshire**—Robert Lee Bradshaw, Esq., Tinwell.  
**Shropshire**—Robert Aglionby Slaney, Esq., Walford Manor.  
**Somersetshire**—James Curtis Somerville, Esq., Dinder.  
**Southampton**—J. R. Ives, Esq., Bentworth Hall, near Alton.  
**Staffordshire**—John Davenport, Esq., Westwood.  
**Suffolk**—Windsor Parker, Esq., Clopton Hall, Rattlesden.  
**Surrey**—Robert Gosling, Esq., Botleys Park.  
**Sussex**—John Day, Esq., Newick.  
**Warwickshire**—William Charles Alston, Esq., Elmdon.  
**Westmoreland**—John Wilson, Esq., The Howe.  
**Wiltshire**—E. L. Clutterbuck, Esq., Hardenhuish Park.  
**Worcestershire**—E. Bearcroft, Esq., Mere Hall, Bromsgrove.  
**Yorkshire**—Henry Willoughby, Esq., Birdsall, near Malton.

### WALES.

**Anglesey**—R. Brisco Owen, Esq., Haulfre, near Beaumaris.  
**Breconshire**—John Powell, Esq., Watton Mount.  
**Carmarvonshire**—Thos. Love D. Jones Parry, Esq., Madryn.  
**Carmarthenshire**—John Jones, Esq., Blaenos.  
**Cardiganshire**—Morgan Jones, Esq., Penlan.  
**Denbighshire**—Richard Jones, Esq., Bellan Place, Ruabon.  
**Flinthshire**—Henry Raikes, Esq., Llwynegrin.  
**Glamorganshire**—William Llewellyn, Esq., Courtcolman.  
**Montgomeryshire**—John Michael Severne, Esq., Wallop.  
**Merionethshire**—George A. Huddart, Esq., Plasynpenrhyn.  
**Pembrokeshire**—The Hon. R. Fulke Greville, Castle Hall.  
**Radnorshire**—John Jones, Esq., Cefnmaes.

## London Gazettes.

FRIDAY, JANUARY 27.

### BANKRUPTS.

**JACOB STONE**, Little Moorfields, London, coachmaker, (carrying on business with Elizabeth Hill), Feb. 7 at 2, and March 7 at 1, Court of Bankruptcy, London: Off. Ass. Lee: Sol. Neale, 23, Trinity-square, Newington, Surrey.—Petition filed Jan. 20.

**LUCY MARTIN**, Teignmouth, Devonshire, baker, confectioner, lodging-house keeper, dealer and chapwoman, Feb. 8 and 27 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sol. Willeford, Exeter.—Petition filed Jan. 20.

**HENRY HUDSON**, Huddersfield, Yorkshire, cattle dealer, dealer and chapman, Feb. 10 and March 3 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Clay, Huddersfield; Bond & Barwick, Leeds.—Petition dated Jan. 18.

**THOMAS PROCTOR**, Lincoln, engineer and millwright, Feb. 8 and March 1 at 12, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Carrick; Sol. Tweed, Lincoln.—Petition dated Jan. 16.

### MEETINGS.

**Edward Bladon and Henry Coates**, Manchester, stuff merchants, Feb. 8 at 11, District Court of Bankruptcy, Manchester, last ex.—**Thomas Shenton**, Bethnal-green-road, Middlesex, grocer, Feb. 16 at 11, Court of Bankruptcy, London, aud. ac.—**Jacob Wright**, Holywell-street, Shoreditch, Middlesex, licensed victualler, Feb. 9 at 2, Court of Bankruptcy, London, aud. ac.—**James Sadler**, Vere-street, Clare-market, Middlesex, tallow chandler, Feb. 14 at 12, Court of Bankruptcy, London, aud. ac.—**Louis Diespecker**, Little Moorfields, London, dealer in French purses, Feb. 16 at 1, Court of Bankruptcy, London, aud. ac.—**Richard Anderson**, Wright's-lane, Kensington, Middlesex, licensed victualler, Feb. 14 at 12, Court of Bankruptcy, London, aud. ac.—**Joseph S. Samuel**, Hatton-garden, Middlesex, watch manufacturer and jeweller, Feb. 21 at half-past 12, Court of Bankruptcy, London, div.—**John Bosworth Crocker**, Sheffield, Yorkshire, draper, Feb. 21 at 1, Court of Bankruptcy, London, div.—**Thos. Dallaston Stearn**, Ipswich, Suffolk, plumber, Feb. 21 at 1, Court of Bankruptcy, London, div.—**W. Salmon**, Manchester, leather seller, Feb. 22 at 12, District Court of Bankruptcy, Manchester, div.—**John Hall and Henry Hall**, Hartshorne, Derbyshire, earthenware manufacturers, Feb. 10 at 10, District Court of Bankruptcy, Nottingham, div. sep. est. of **John Hall**.—**J. Gray and Robert Williams**, Chester, engineers, Feb. 20 at 11, District Court of Bankruptcy, Liverpool, fin. div.

### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

**Samuel Cooper**, Reading, Berkshire, and Brighton, Sussex, builder, Feb. 23 at 11, Court of Bankruptcy, London.—**John Hensley**, Montague-place, Russell-square, Middlesex, apothecary, Feb. 20 at 12, Court of Bankruptcy, London.—**Chas. Tippet**, Baldock, Hertfordshire, apothecary, Feb. 18 at half-past 1, Court of Bankruptcy, London.—**Richard Tredinnick**, Haymarket, Middlesex, mining broker, Feb. 18 at 1, Court of Bankruptcy, London.

*To be granted, unless an Appeal be duly entered.*

**John Davis**, Colney-hatch, Middlesex, licensed victualler.—**Edward Butt**, Newcastle-place, Edgeware-road, Middlesex, laceman.—**Charles Wrightson**, High-street, Marylebone, Middlesex, grocer.—**Joseph Hopkinson**, Barlborough, Derbyshire, brick maker.—**Isaac Fineberg**, Manchester, general dealer.

### PETITION DISMISSED.

**Edward Sumner**, Waterloo, near Liverpool, licensed victualler.

### PARTNERSHIPS DISSOLVED.

**Thos. Brook Bridges Stevens and George Bonnor**, Marlborough-chambers, Pall-mall, Middlesex, attorneys and solicitors.—**Wm. Henry Porritt and John Swithinbank**, Leeds, Yorkshire, attorneys and solicitors.

### SCOTCH SEQUESTRATIONS.

**Gilbert Mackenzie Scott**, Wilton by Hawick, baker.—**J. Rae**, Edinburgh, hat manufacturer.—**Alexander Thomson**, deceased, Edinburgh.—**William Williamson**, Pulteney-town, baker.

### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

**Stephen Thomas Crocker**, Bristol, accountant, Feb. 1 at 11, County Court of Gloucestershire, at Bristol.—**William Carr**, Kingston-upon-Hull, contractor, Feb. 10 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—**Thos. M<sup>r</sup> Rie Hunter**, Kingston-upon-Hull, master mariner, Feb. 10 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—**John Cockrane**, St. Woollos, near Newport, Monmouthshire, beer retailer, Feb. 8 at 12, County Court of Monmouthshire, at Newport.—**Thomas Marwick**, King's Lynn, Norfolk, coal dealer, Feb. 8 at 3, County Court of Norfolk, at King's Lynn.—**Geo. Davies**, Chatham, Kent, librarian to the Rochester, Chatham, Strood, and Brompton Mechanics' Institution, Feb. 9 at 10,

County Court of Kent, at Rochester.—*James Penfold* the younger, Horsham, Sussex, blacksmith, Feb. 14 at 12, County Court of Sussex, at Horsham.—*E. Parr*, Peplow, Shropshire, in no business, Feb. 22 at 10, County Court of Worcestershire, at Kidderminster.—*Thomas Hall*, North Shields, Tynemouth, Northumberland, master mariner, Feb. 17 at 10, County Court of Northumberland, at North Shields.—*Wm. Reed Robson*, Tynemouth, Northumberland, canteen keeper, Feb. 17 at 10, County Court of Northumberland, at North Shields.—*Benjamin Baster*, Keighley, Yorkshire, grocer, Feb. 22 at 11, County Court of Yorkshire, at Keighley.—*William Cotes*, Wirksworth, Derbyshire, auctioneer, Feb. 8 at 10, County Court of Derbyshire, at Wirksworth.—*Wm. Leedle*, Shipley, near Bradford, Yorkshire, saddler, Feb. 21 at 11, County Court of Yorkshire, at Bradford.—*William Wells*, Bradford, Yorkshire, painter, Feb. 21 at 11, County Court of Yorkshire, at Bradford.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Feb. 10 at 10, before the CHIEF COMMISSIONER.*  
*George Court Steel*, Deptford, Kent, market gardener.

*Feb. 11 at 11, before Mr. Commissioner PHILLIPS.*  
*Rees Edwards*, Ladd's-court, Park-st., Southwark, Surrey, labourer.—*Wm. Byron*, Southampton-street, Fitzroy-square, Middlesex, lodging-house keeper.—*Chas. Edwards*, Cheshant, Hertfordshire, beer-shop keeper.—*Henry Smith*, Vere-street, Clare-market, Middlesex, out of business.

*Feb. 13 at 11, before the CHIEF COMMISSIONER.*  
*John T. Connor*, Old Chapel-row, St. Pancras, Kentish-town, Middlesex, schoolmaster.—*Robert Astin* the younger, Drury-lane, Holborn, Middlesex, shoemaker.—*Wm. Thomas Bainbridge*, Uxbridge, Middlesex, butcher.

*Feb. 13 at 11, before Mr. Commissioner PHILLIPS.*  
*Thomas Smith*, Waltham Holy Cross, Waltham Abbey, Essex, out of business.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Feb. 10 at 10, before the CHIEF COMMISSIONER.*  
*Thomas Bonser* the younger, Devonshire-terrace, Barnsbury-park, Islington, Middlesex, assistant to a meat salesman.—*Wm. Allen*, New-road, Commercial-road East, Middlesex, labourer in the London Docks.

*Feb. 10 at 10, before Mr. Commissioner MURPHY.*  
*John Wm. W. Evison*, Belvidere-place, Southwark-bridge-road, Southwark, Surrey, clerk in the office of the Clerk of the Papers of the Queen's Prison.—*George C. Skilton*, Athol-place, Pentonville, Middlesex, shoemaker.—*Charles Robinson*, Providence-place, High-street, Kentish-town, Middlesex, out of business.—*Robert Lindsay*, Kew-road, Richmond, Surrey, licensed brewer.—*George Smith*, St. Swithin's-lane, King William-street, London, appraiser.

*Feb. 11 at 11, before Mr. Commissioner PHILLIPS.*  
*Louis Delorme*, Curtain-road, Shoreditch, Middlesex, mercantile clerk.

*Feb. 13 at 11, before the CHIEF COMMISSIONER.*  
*Henry Akham*, Arlington-street, Camden-town, Middlesex, tailor.—*Thomas James Boardman*, Albion-road, Wandsworth-road, Surrey, teacher of music.—*Stephen Austen*, Dover-road, Southwark, Surrey, coffee-house keeper.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Durham, at DURHAM, Feb. 10.*  
*James Garry*, Bishop Auckland, shoemaker.—*Wm. Wood*, South Shields, builder.—*Robert Robson*, Claypath, grocer.

*At the County Court of Hampshire, at WINCHESTER, Feb. 14.*

*Thomas Harris*, Burghclere, near Newbury, farmer.

*At the County Court of Huntingdonshire, at HUNTINGDON, Feb. 14 at 10.*

*Thomas Cousins* the younger, Bluntisham, farmer.

*At the County Court of Kent, at DOVER, Feb. 15 at 11.*

*The Hon. Brownlow T. M. Cecil*, Dover, in no profession.—*Henry Sibley*, Ampton-place, Gray's-inn-road, Middlesex, and Dover, attorney-at-law.

#### MEETING.

*Francis L. Tappy*, Woolwich, Kent, gentleman, Feb. 6 at 10, Court-house, Portugal-street, Lincoln's-inn-fields, London, pr. d.

TUESDAY, JANUARY 31.

#### BANKRUPTS.

**HENRY CHANCELLOR**, Great Yarmouth, Norfolk, tailor, Feb. 7 at 11, and March 9 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Chamberlain, Great Yarmouth; Storey, Southampton-buildings, Holborn.—Petition filed Jan. 20.

**FRANCIS PAXON**, Bloomsbury-square, Middlesex, scrivener, Feb. 7 at 1, and March 16 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. J. & J. H. Linklater, Sise-lane, London.—Petition filed Jan. 27.

**WILLIAM CHARLTON**, Basingstoke, Southampton, grocer, dealer and chapman, Feb. 13 at 1, and March 14 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Lamb & Co., Basingstoke, Southampton; Johnson & Co., King's Bench-walk, Inner Temple, London.—Petition filed Jan. 27.

**LOUISA MATILDA RACHEL SMITH**, Salisbury-street, Strand, Middlesex, commercial and family boarding-house keeper, dealer and chapwoman, Feb. 10 and March 17 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury.—Petition dated Jan. 27.

**THOMAS WATTS**, Cassington, Oxfordshire, cattle dealer, farmer and grazier, dealer and chapman, Feb. 10 at half-past 12, and March 17 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Field, Finchley, Middlesex, and Duke-street, Smithfield.—Petition dated Jan. 30.

**JOSEPH VINCE**, Great Yarmouth, Norfolk, boot and shoe maker, Feb. 8 at 2, and March 22 at 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Chamberlain, Great Yarmouth; Storey, 17, Featherstone-buildings, Holborn.—Petition dated Jan. 20.

**MIER LEVY**, late of Belfast, Antrim, Ireland, but now of Little Alie-street, Goodman's-fields, Middlesex, clothier and tailor, dealer and chapman, Feb. 8 at half-past 12, and March 22 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Messrs. J. & J. H. Linklater, 17, Sise-lane, London.—Petition dated Jan. 27.

**HENRY PURCELL**, Dudley, Worcestershire, hosier and laceman, Feb. 11 and March 4 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Coldicott & Canning, Dudley; Hodgson, Birmingham.—Petition dated Jan. 27.

**HENRY PRESTON GOODWIN**, Solihull, Warwickshire, tallow chandler, dealer and chapman, Feb. 13 and March 4 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Hawkes, Birmingham; Thomas, 3, Ely-place, Holborn, London.—Petition dated Jan. 26.

**JOHN POINTON**, Monks Coppenhall, Cheshire, innkeeper and timber merchant, dealer and chapman, Feb. 15 and March 6 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sol. Broughton, Nantwich.—Petition filed Jan. 19.

**JAMES M'COLM**, Manchester, waste dealer and rope manufacturer, Feb. 13 and March 8 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Messrs. J. & B. Whitworth, Manchester.—Petition filed Jan. 26.

**JOHN BENNETT**, Manchester, licensed victualler, Feb. 10 and March 3 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sol. Wilson, Manchester.—Petition filed Jan. 20.

**WILLIAM CHESWORTH**, Manchester, merchant, Feb. 16 and March 9 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Sale & Co., Manchester.—Petition filed Jan. 21.

## MEETINGS.

*Henry Kirk*, Portland-terrace, St. John's-wood, Middlesex, hay dealer, Feb. 14 at 2, Court of Bankruptcy, London, last ex.—*F. W. Thomas*, Leadenhall-street, London, auctioneer, Feb. 14 at 11, Court of Bankruptcy, London, last ex.—*Mary Ann Thomas* and *William Thomas*, Upper King-street, Bloomsbury, and Green-street, Theobald's-road, Middlesex, builders, Feb. 14 at 12, Court of Bankruptcy, London, last ex.—*Edwin Orpin*, Brighton, Sussex, builder, Feb. 15 at 1, Court of Bankruptcy, London, last ex.—*Henry Wheeler*, Richmond, Surrey, baker, Feb. 27 at 11, Court of Bankruptcy, London, aud. ac.—*Jacob Connop*, New Finchley-road, St. John's-wood, Middlesex, bill broker, Feb. 14 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Robert S. Parry*, Leadenhall-street, London, bookseller, Feb. 15 at 12, Court of Bankruptcy, London, aud. ac.; Feb. 21 at 11, div.—*Henry P. Taylor*, Queen's-road, Dalston, Middlesex, licensed victualler, Feb. 15 at half-past 12, Court of Bankruptcy, London, aud. ac.—*J. Palmer*, Hove, Brighton, Sussex, builder, Feb. 15 at 12, Court of Bankruptcy, London, aud. ac.—*Thomas Cook Millington*, Maldon, Essex, chemist, Feb. 15 at 12, Court of Bankruptcy, London, aud. ac.; Feb. 21 at half-past 1, div.—*George Betts*, Farnett St. Peter, Norfolk, draper, Feb. 15 at half-past 12, Court of Bankruptcy, London, aud. ac.; Feb. 21 at 12, div.—*Wm. Holme*, Manchester, cotton manufacturer, Feb. 17 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Robert James*, Lenton, Nottinghamshire, lace maker, Feb. 10 at 10, District Court of Bankruptcy, Nottingham, aud. ac.—*John Rogers*, Leicester, grocer, Feb. 10 at 10, District Court of Bankruptcy, Nottingham, aud. ac.—*John Salter*, Backchurch-lane, Whitechapel, and Ratcliffe-highway, Middlesex, yeast merchant, Feb. 27 at 12, Court of Bankruptcy, London, div.—*Thomas Manson*, Lloyd's Coffee-house, Royal Exchange, and King William-street, London, underwriter, Feb. 22 at 2, Court of Bankruptcy, London, div.—*Henry B. Roff*, Woolwich, Kent, wharfinger, Feb. 22 at half-past 12, Court of Bankruptcy, London, div.—*Wm. H. Osborn*, Ebury-st., Pimlico, Middlesex, wine merchant, Feb. 22 at half-past 1, Court of Bankruptcy, London, div.—*Sarah Pattison*, Winchester, Hampshire, glazier, Feb. 21 at half-past 12, Court of Bankruptcy, London, fin. div.—*Charles C. Hamilton*, Little Queen-street, Lincoln's-inn-fields, Middlesex, ironmonger, Feb. 21 at half-past 11, Court of Bankruptcy, London, div.—*Wm. Pickering*, Piccadilly, Middlesex, bookseller, Feb. 21 at 12, Court of Bankruptcy, London, div.—*Wm. Cross*, Chester, lead merchant, Feb. 21 at 11, District Court of Bankruptcy, Liverpool, div.—*John Gray* and *Robert Williams*, Chester, engineers, Feb. 21 at 11, District Court of Bankruptcy, Liverpool, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*A. Cohen*, Houndsditch, London, clothier, Feb. 22 at 12, Court of Bankruptcy, London.—*George W. Bright*, Swansea, Glamorganshire, licensed victualler, March 1 at 11, District Court of Bankruptcy, Bristol.—*Joseph Johnson* the younger, Liverpool, estate agent, Feb. 21 at 11, District Court of Bankruptcy, Liverpool.

*To be granted, unless an Appeal be duly entered.*

*Thomas Hutchings*, Park-street, Westminster, Middlesex; Great Grimby, Lincolnshire; and Anston, Yorkshire, railway contractor.—*George Hennet*, Duke-street, Westminster, Middlesex, railway contractor.—*Eliza Lloyd*, Wigmore-street, Cavendish-sq., Middlesex, dressmaker.—*Charles Geal*, East-row, Kensal New-town, Middlesex, grocer.—*Henry Solomon*, Holborn-hill, London, and Cumberland-place and Surrey-place, Old Kent-road, Surrey, furniture broker.—*Wm. M. Harker*, Little Moorfields, London, carrier.—*James Roberts*, Coal Harbour, Blackwall, Middlesex, timber merchant.—*Douglas Bradbury*, Derby, builder.—*T. Taylor*, Derby, inn-keeper.

## PETITION ANNULLLED.

*David F. Bower*, Rawcliffe, Yorkshire, flax scutcher.

## PARTNERSHIP DISSOLVED.

*Robert Steinbank*, *Robert D. Gerard*, and *Alex. Brown*, Ceylon and London, attorneys and general merchants.

## SCOTCH SEQUESTRATION.

*Wm. McLean*, Dundee, draper.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Joseph Fairclough*, Liverpool, engine driver, Feb. 6 at 10, County Court of Lancashire, at Liverpool.—*Stephen Skof*, Holbeach, Lincolnshire, cordwainer, Feb. 23 at 10, County Court of Lincolnshire, at Holbeach.—*Thos. Helman*, Bristol, baker, March 1 at 11, County Court of Gloucestershire, at Bristol.—*James Griffin*, Bristol, bellhanger, Feb. 22 at 11, County Court of Gloucestershire, at Bristol.—*James Meelans*, Broadwater, Sussex, butcher, Feb. 13 at 11, County Court of Sussex, at Worthing.—*J. Siddons*, Belper, Derbyshire, hatter, Feb. 16 at 10, County Court of Derbyshire, at Belper.—*John Boulton*, Hulme, Manchester, out of employment, Feb. 20 at 12, County Court of Lancashire, at Manchester.—*Jas. Adetti*, Guildford, Surrey, gunsmith, Feb. 21 at 1, County Court of Surrey, at Guildford.—*George Linstead*, Guildford, Surrey, saddler, Feb. 21 at 1, County Court of Surrey, at Guildford.—*Alfred Cobby*, Littlehampton, Sussex, organist, Feb. 18 at 10, County Court of Sussex, at Arundel.—*John Ward*, Chester, furniture broker, Feb. 1 at 10, County Court of Cheshire, at Chester.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Feb. 15 at 10, before the CHIEF COMMISSIONER.*

*Henry Norton North*, Radnor-street, Ironmonger-row, St. Luke's, Middlesex, assistant to a greengrocer.—*Jas. Carter* the elder, Nelson-road, White-square, Clapham, Surrey, out of business.

*Feb. 15 at 10, before Mr. Commissioner MURPHY.*

*Benjamin Harden*, Coppice-row, Clerkenwell, Middlesex, fancy cabinet manufacturer.—*G. Crawford*, Frith-st., Soho, Middlesex, composition manufacturer.—*Jas. Hobbs*, Strathon-terrace, Shadwell, Middlesex, lodging-house keeper.—*Isaac Smith*, Hayes, Middlesex, beer-house keeper.—*Oswinphorus Smith*, Rutland-street East, Commercial-road East, Middlesex, cabinet maker.—*George Husted*, Peacock-square, Peacock-street, Newington Butts, Surrey, assistant to the tip-staff of the Court of Exchequer.

*Saturday, Jan. 28.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Robert Welham* the elder, Somersham, near Ipswich, Suffolk, bricklayer, No. 77,039 C.; *Simon Fenn*, assignee.—*Mary Hughes*, widow, Birmingham, No. 77,382 C.; *James Bennett* and *John Bennett*, assignees.—*Edward Owen*, Newtown, Montgomeryshire, shopkeeper, No. 70,315 C.; *Wm. Nutter*, assignee.—*James Wm. Giles*, Aldersgate-street, City, haberdasher, No. 64,141 T.; *Joseph William Bennett*, assignee.—*William Flowerday Silcock*, Great Yarmouth, Norfolk, out of business, No. 74,973 C.; *Andrew Davies Bird*, assignee.—*Thomas Badman*, Bradford, Yorkshire, fruiterer, No. 77,340 C.; *Patrick Reilly* and *Wm. Wood*, assignees.

*Saturday, Jan. 28.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*James Johnson*, River-terrace, York-road, King's-cross, Middlesex, out of employment: in the Debtors Prison for London and Middlesex.—*George Wilmshurst Tye*, Chatham, Kent, licensed victualler: in the Debtors Prison for London and Middlesex.—*J. Kirkpatrick*, Sussex-place, Rotherfield-street, Islington, Middlesex, solicitor's clerk: in the Debtors Prison for London and Middlesex.—*Robert Bowman*, Swinton-st., Gray's-inn-road, Middlesex, carver: in the Queen's Prison.—*Wm. Henry Howe*, New Park-street, Southwark, Surrey, baker: in the Debtors Prison for London and Mid-

diesex.—*John T. J. English*, Strand, Middlesex, captain in the 1st West India Regiment: in the Queen's Prison.—*Morgan Hughes*, Carey-street, Chancery-lane, Middlesex, out of business: in the Queen's Prison.—*Thomas Ambrose*, Richmond-street, Portman-market, Middlesex, beer-shop keeper: in the Debtors Prison for London and Middlesex.—*Samuel Knight*, Fore-street, London, cheesemonger: in the Debtors Prison for London and Middlesex.—*Fred. Reni Renvoize*, Morpeth-terrace, South Hackney, Middlesex, cardboard maker: in the Debtors Prison for London and Middlesex.—*Thomas Worsley*, Charles-street, Horselydown, Surrey, patten maker: in the Queen's Prison.—*John Stockbridge*, Hamilton-mews, North Maida-hill, Middlesex, cabriolet driver: in the Debtors Prison for London and Middlesex.—*Alphonso Florencio Notley*, Clarence-road, Kentish-town, Middlesex, out of employment: in the Queen's Prison.—*Richard Deacon Dodge*, Cheapside, City, out of employment: in the Queen's Prison.—*John Becks*, Waterloo-street, Camberwell, Surrey, out of employment: in the Gaol of Surrey.—*Joseph Smith*, Sheffield, Yorkshire, tea dealer and draper: in the Gaol of York.—*Frank Beatson*, Sheffield, Yorkshire, brass turner: in the Gaol of York.—*Wm. Wigglesworth*, Bradford, Yorkshire, hairdresser: in the Gaol of York.—*John Thorpe*, Sheffield, Yorkshire, out of business: in the Gaol of York.—*Henry Norris*, Devonport, Devonshire, waiter: in the Gaol of St. Thomas-the-Apostle.—*Thomas Brightmore* the elder, Wolverhampton, Staffordshire, printer: in the Gaol of Stafford.—*Edward Bickens*, Over, Cambridgeshire, farmer: in the Gaol of Cambridge.—*Elijah Dixon*, Stamford, Lincolnshire, carpenter: in the Gaol of Lincoln.—*Donald M'Donald*, Tiverton, Devonshire, apothecary: in the Gaol of St. Thomas-the-Apostle.—*Wm. Davies*, Carmarthen, victualler: in the Gaol of Carmarthen.—*J. Garlick*, Birmingham, builder: in the Gaol of Coventry.—*Charles Plush Richart*, Stratford, Essex, schoolmaster: in the Gaol of Dover.—*George Cooke*, Princes-st., Gloucestershire, out of business: in the Gaol of Gloucester.—*Charles Wood*, Brighton, Sussex, waiter: in the Gaol of Lewes.—*Henry Taylor*, Manchester, milk-seller: in the Gaol of Lancaster.—*Joseph Barlow*, Oldham, Lancashire, cotton-waste dealer: in the Gaol of Lancaster.—*A. Kershaw*, Fitton Hill, near Oldham, Lancashire, cotton-waste dealer: in the Gaol of Lancaster.—*John Riley* the younger, Preston, Lancashire, out of business: in the Gaol of Lancaster.—*Richard Scott*, Little Bolton, Bolton-le-Moors, Lancashire, linen-draper: in the Gaol of Lancaster.—*J. Dewsbury*, Manchester, building surveyor: in the Gaol of Lancaster.—*Chas. Davis*, Wolverhampton, Staffordshire, cooper: in the Gaol of Stafford.—*Abel Skinner*, Plymouth, Devonshire, sawyer: in the Gaol of St. Thomas-the-Apostle.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Feb. 14 at 10, before Mr. Commissioner MURPHY.*

*William Philip Masters Croft*, Great Windmill-st., Haymarket, Middlesex, licensed victualler.—*Isaacchar T. Woods*, Westbourne-street, Eaton-square, Piccadilly, Middlesex, upholsterer.

*Feb. 16 at 11, before Mr. Commissioner PHILLIPS.*

*John Bernhard*, Edward-st., Stepney, Middlesex, baker.—*Charles Horn*, Luton, Bedfordshire, corn factor.—*S. Isaac*, Fickering-mews, Bishop's-road, Paddington, Middlesex, firewood cutter.—*Nicholas Bull Jay*, Grove-villas, New-road, Shepherd's Bush, Middlesex, out of employ.—*H. Nicholson*, Fenchurch-st., London, secretary to the East Bosorn Mining Company.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Kent, at DOVER, Feb. 15 at 11.*

*Charles Plush Richart*, Clarence-road, Notting-hill, Middlesex, out of business.

*At the County Court of Worcestershire, at WORCESTER, Feb. 15 at 10.*

*Esra Evans*, Bengeworth, Evesham, nailor.

*At the County Court of Staffordshire, at STAFFORD, Feb. 15 at 11.*

*Charles Davis*, Wolverhampton, jobbing cooper.—*Ham Tite Thomas*, Burton-upon-Trent, baker.—*Thos. Brightmore* the elder, Wolverhampton, printer.

*At the County Court of Monmouthshire, at MONMOUTH, Feb. 17 at 2.*

*John Gwathin* the younger, Chepstow, builder.

*At the County Court of Shropshire, at SHREWSBURY, Feb. 21 at 10.*

*Benjamin Burd*, Wem, veterinary surgeon.

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TO the ADMIRALTY, the FOREIGN OFFICE, UNDERWRITERS, LAWYERS, EDITORS, &c.—*Dr. K. P. TER REEHORST*, Author of "The Mariner's Friend," in ten Languages, Dutch Lawyer, formerly Sworn Translator at the Bar of Amsterdam, Private Interpreter to the Admiralty Court, and Professor of ten modern Languages, in London, now Graduate Teacher at Liverpool Collegiate, &c., desirous (when patronised) to settle in London again, tenders his POLYGLOTIC or LINGUISTIC ACQUIREMENTS to the Metropolitans, and to the English Nation in general; intimating that he had left London last year merely on account of the barbarous "vested rights" which some Notaries practise on competent Linguists for simply handing them a document to translate, or for introducing them to others to interpret. Testimonials and references unexceptionable. *Dr. Ter Reehorst*, from many years' practice, versed in technical phraseology, and in some Continental laws, offers to give an English version of the Dutch Code of Laws, or any other work, from the ten European languages. He requests those who truly study their own interest to become subscribers to his intended "Cosmopolitan Traveller's Companion, or Colloquial Guide through Europe," in ten languages, at 14s., suited to the belligerent times we live in. Advises and consults in, and translations or explanations of, Continental Laws. Requests answers prior to the 15th February, at 22, Alfred-street, City-road, London; after that, 14, Beresford-street, Liverpool.

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# The Jurist

No. 892—VOL. XVIII.

FEB. 11, 1854.

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HOUSE OF LORDS.

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LONDON, FEBRUARY 11, 1854.

It is curious to observe society, in an advanced and artificial state, reverting by degrees to the primitive institutions of its ancestors; the movement, apparently retrogressive, is, in fact, progressive, for it casts aside products which have remained, although the reasons which led to them have long since ceased. Such a process is visible at the present day in several branches of our jurisprudence. We pass by the instance of county courts, which, flourishing in the time of Alfred, fell into comparative desuetude for centuries, but are now invested with almost ancient jurisdiction. We pass by also the system of pleading, once concise and simple, then subtletised and elaborated, and now simplified once again. The instance which we select, in preference to others, is the proposed transfer of the probate and divorce jurisdiction of the ecclesiastical tribunals to the temporal courts of our realm. The history of this jurisdiction may be briefly traced thus:—

In the time of our Saxon ancestors there was no distinction between the lay and the ecclesiastical jurisdiction; the county court was at once spiritual and temporal, and the rights of the church and the laity were ascertained at the same time and by the same judges. The whole man was thus provided for by one tribunal, instead of taking his conscience to Doctors' Commons, and his body to Westminster Hall; he was recognised as a being possessing a duplex nature, and having interests in two worlds to provide for at one and the same time. It was a hard case indeed if neither the bishop nor the sheriff could hit the offender; the one commanded bailiffs and the other ecclesiastical censures, and were thus prepared either for the tender conscience or the hardened corpus. For this purpose the bishop and the ealderman or earl, or his deputy the sheriff, used to sit together in the county court, and had there the cognisance of all causes, a superior defe-

rence being paid to the bishop's opinion in spiritual matters, and to that of the lay judges in temporal, as at the present day, when, at times, Maule, J., sits by the Lords Justices Knight Bruce and Turner to administer law as well as equity.

The ecclesiastical court, however, was separated from the civil by William the Conqueror in order to gratify the foreign clergy, by whom he was supported. He prohibited any spiritual cause from being tried in the secular courts, and commanded the suitors to appear before the bishop only, whose decisions were ordered to conform to the canon law. Henry I, among other restorations of the law of Edward the Confessor, revived this of the union of the civil and ecclesiastical courts. The clergy, however, did not relish being put on a level with the profane laity, and on the accession of Stephen they brought about a dissolution of the newly-effected union. About this time the contest began between the laws of England and those of Rome, the temporal courts adhering to the former, and the spiritual adopting the latter: "this," says Blackstone, "widened the breach between them, and made a coalition afterwards impracticable, which probably would have been effected at the general reformation of the church."

This separation being established, the only remaining question would be, what causes were spiritual or ecclesiastical, as pertaining to the "regimen of the soul?" The answer would determine the tribunal to which they should be referred. We propose to consider how causes testamentary and matrimonial, with which we are at present interested, were brought within the category. As to causes testamentary, they seem to have been first given to the clergy at the time of the last dissolution of the union of the lay and spiritual courts in Stephen's time\*, and it came about in this manner.

The foreign clergy were early ambitious of this branch of power, but their attempts to assume it on the continent were effectually curbed by the edict of the Emperor Justin, (Cod. 1, 3, 41), which restrained the probate of testaments, as formerly, to the office of the magister census; for which the Emperor assigns this reason—"Absurdum etenim censeri ut, tametsi opprobriosum, si peritos se velint ostendere deceptionum esse forensium." Afterwards, however, by the canon law, it was allowed that the bishop might compel, by ecclesiastical censures, the performance of a bequest to pious uses. This made a locus for such

\* 4 Bl. Com. 421.



uses a spiritual cause, and afterwards intestacies were brought under the same denomination, when Henry I directed that the personal property of an intestate should be divided for the good of his soul; to which King Stephen added, "*ecclesie comilio*.\*" By the old law, the King is sometimes said to have been entitled to seize upon the goods of an intestate, and that this privilege was granted by him as a franchise to many lords of manors; and that afterwards, in favour of the church, the prelates were invested with this branch of the prerogative, which was done, says Perkins, because it was intended by the law that spiritual men are of better conscience than laymen, and that they had more knowledge what things would conduce to the benefit of the soul of the deceased†. And as the bishop had thus the disposition of the intestate's effects, the probate of wills followed, for it was thought just and natural that the will of the deceased should be proved to the satisfaction of the prelate, whose right of distributing the chattels was effectually superseded thereby. This power, obtained by encroachment, was grossly abused, until at length the ordinary was compelled to grant administration to the next of kin. Blackstone remarks on the strangeness of ranking testamentary causes among matters of a spiritual cognisance, as they are certainly of a "mere temporal nature," and states, that in almost all other (even in Popish) countries all matters testamentary are under the jurisdiction of the civil magistrate‡.

Although the spiritual courts have exclusive jurisdiction in establishing the will, yet the courts of equity have a concurrent jurisdiction with them in construing it; and it has happened that this jurisdiction has been exercised in a way to render the instrument, of which probate has been granted, ineffectual as a will. (See *Gawler v. Handewick*, 2 Cox, 16; *Thornton v. Curling*, 8 Sim. 310). And where a probate has been obtained by fraud on the next of kin, the Court of equity will interfere; and since Lord Nottingham's time, it has been accustomed to administer relief to legatees. It should also be remembered that the jurisdiction of spiritual courts is confined to goods and chattels, and a devise of lands must be proved by the will itself.

Marriage, although in the nature of a civil contract conferring civil rights, was brought within courts spiritual by being made a sacrament. This was soon after the separation of the courts||; and the determination of questions of legitimacy and bastardy followed almost as of course. Blackstone, (3 Com. 92), speaking of this assumption of matrimonial causes by the church, says, "In the hands of such able politicians, it soon became an engine of great importance to the Papal scheme of an universal monarchy over Christendom. The numberless canonical impediments that were invented, and occasionally dispensed with, by the Holy See not only enriched the coffers of the church, but gave it a vast ascendancy over princes of all denominations, whose marriages were sanctified or reprobated, their issue legitimatised or bastardised, and the succession to their thrones established or rendered precarious, according to the humour or interest of the reigning Pontiff, besides a thousand nice and difficult scruples with which the clergy of those ages puzzled the understandings and loaded the consciences of the inferior orders of the laity, and which could only be

unravell'd and removed by these their spiritual guides. Yet, abstracted from this universal influence, which affords so good a reason for their conduct, one might otherwise be led to wonder that the same authority which enjoined the strictest celibacy to the priesthood should think them the proper judges in causes between man and wife. These causes, indeed, partly from the nature of the injuries complained of, and partly from the clerical method of treating them, soon became too gross for the modesty of a lay tribunal.\*"

If the spiritual court proceed to call a marriage in question upon grounds that render it merely voidable, after the death of either of the parties, the courts of common law will prohibit them from proceeding, because it tends to disinherit and bastardise the issue, who cannot so well defend the marriage as the parties themselves when living might have done. The sacramental nature of marriage was completely destroyed, in the eyes of the law, by stat. 6 & 7 Will. 4, c. 85, allowing marriages to take place in a registered building, before the registrar of the district.

Thus a review of the history of these two branches of ecclesiastical jurisdiction shews, first, that they are of a character naturally and properly cognisable by the temporal courts; secondly, that the reasons on which they were founded have ceased to exist; the ordinary is no longer entitled to the goods of an intestate; marriage is not regarded by the law as a sacrament, but simply as a civil contract: and, thirdly, that the temporal courts do still exercise some jurisdiction over these ecclesiastical courts, such as prohibiting them from exceeding their powers, or even declaring a will void which they have declared proved. We have purposely confined our remarks to these two matters, causes testamentary and matrimonial; but we believe it will be found that objections of almost similar force may be raised against every part of the ecclesiastical jurisdiction in this country as exercised in the spiritual courts.

#### EXTRACTS FROM THE SECOND REPORT OF THE CHANCERY COMMISSIONERS ON THE JURISDICTION IN TESTAMENTARY MATTERS.

As to the constitution of the proposed testamentary court, the Commissioners report as follows:—

"We recommend that the court to be established should be called 'Her Majesty's Court of Probate,' and should hold its sittings at such place, in London or Middlesex, as your Majesty shall appoint; and that this court should be a superior court of record, and that the proceedings therein should be in your Majesty's name.

"We consider, that, from the nature of the subjects to be brought before the Court, there should be but one judge, whose decisions should be subject to appeal. The mode and course of appeal we shall notice in a subsequent part of this report.

"We recommend that the qualification of the judge should be a standing of ten years as advocate of the Court of Arches, or serjeant or barrister at law, and that the judge of the court should be appointed by the Crown, and should hold his office during good behaviour, and be removable upon an address by both Houses of Parliament. In order to provide for the

\* It may be observed that the disposition of intestates' goods, "*per visum ecclesie*," was one of the articles confirmed to the prelates by King John's Magna Charta.

† In 2 Bl. Com., by Sweet, 494, note 4, the position that the Crown ever had this prerogative is controverted.

‡ 3 Bl. Com. 95.

|| Reeves' History of the English Law, vol. 1, p. 72.

\* The italics are ours, but are scarcely required, to mark the sly satire of the commentator, who truly adds, in a note, "Some of the impurest books that are extant in any language are those written by the Popish clergy on the subjects of matrimony and divorce." The morbid state of a man devoted to celibacy, and speculating on marriage and divorce, is only too apparent from the *Disputationes de Sancto Matrimonii Sacramento*, by Saubach, and similar works.

occasional illness of the judge, we think that power should be given to the Crown to appoint some other person to act temporarily as judge whenever the occasion should arise; and the judge should have power, during vacations and on other special occasions, to appoint, with the consent of the Lord Chancellor, some competent person to transact the necessary business incident to the passing of probates and letters of administration, which is now transacted by surrogates, and such other business as may require immediate attention.

"We think that the officers of the court should be appointed by the judge, with the approbation of the Lord Chancellor; and that the subordinates of these officers should be appointed by the officers themselves, with the approbation of the judge. In order, however, that the new Court may have the immediate assistance of officers trained in the performance of similar duties, we think that it will be convenient that the present deputy registrars of the Prerogative Court of Canterbury, and the assistant clerks of seats, and such other officers of that court as are engaged in and competent to the performance of active duties, should become officers of the Court of Probate, and perform such duties as shall be assigned to them respectively by any general rules or orders of the Court.

"Subject to this provision, we think that the officers of the Court of Probate should be selected from advocates or barristers, or persons practising as proctors or solicitors, or from other competent persons now engaged in the performance of active duties in some court exercising testamentary jurisdiction.

"The judge and the principal officers of the Prerogative Court of Canterbury are at present paid wholly by fees. We think that this should not be the case in the Court of Probate, but that the judge and officers of that court should be paid wholly by salaries.

"The deputy registrars of the Prerogative Court and some of the other officers of that court are now allowed to practise as proctors; but we are of opinion that no officer of the Court of Probate should be allowed, directly or indirectly, to practise.

"It is scarcely necessary to say, that we strongly disapprove of the duties of any of the officers of the court being discharged by deputy.

"We think that the registrars of the court in London and commissioners in the country should be empowered to take affidavits, and transact other formal business now performed by surrogates.

"The establishment of a single court, holding its sittings in London or Middlesex, for the transaction of the whole of the testamentary business of England, may probably be objected to under the apprehension of increased expense and inconvenience to persons residing in the country. We have, indeed, reason to believe, that in cases of small properties such persons would not be satisfied with any measure which would deprive them of the means they have hitherto enjoyed of resorting to courts within their own districts for probates and letters of administration. We therefore proceed to consider this objection.

"We have already pointed out that the possession of a probate or letters of administration enables a person at once to obtain and dispose of all the available personal estate of the deceased. Stock to any amount may be sold in a few hours, and the produce irrecoverably lost, without the knowledge of the persons really interested. It is indispensably necessary, therefore, to provide the utmost practicable protection to the public against fraud or mistake.

"The state of the law as to bona notabilia has hitherto secured this protection to the public to a very great extent, a prerogative probate or administration having been resorted to in all cases in which the deceased was possessed of any funded property; but if

there be no longer any distinction as to bona notabilia, and country courts continue to exist, this source of protection will be lost.

"It is, we think, evident that this protection would be best afforded to the public by a central court in London. The skill and vigilance required to guard against frauds or mistakes will, we think, be more certainly possessed and applied by officers in London under the immediate control of the judge, to whom they will have the opportunity of applying on any emergency, and to whom they will be immediately responsible. If the convenience of the public would permit it, we should desire that this protection should be afforded in all cases; but we think that this is not the case, and that the more perfect security afforded by the transaction of the testamentary business in London is not in all cases imperatively required.

"The danger to be apprehended is from fraud or mistake, and this danger principally arises in cases of funded property. In the agricultural districts, where the continuance of the present local accommodation is most desired, the property of the deceased, where it is of small amount, rarely includes money invested in the public funds, or other similar securities, of which an immediate disposition can be made by virtue of the probate or letters of administration.

"We think, therefore, that in cases of small properties the transaction in London of the business of obtaining probate and letters of administration may reasonably be dispensed with; and the arrangement which we propose will, to a great extent, unite the advantages of local and central testamentary courts.

"We recommend that district offices, through which probates or administrations may be taken out in cases of small properties, should be established in different parts of the country as branches of the Court of Probate, each of such districts to comprise a county or counties, or some known division of a county or counties."

(To be continued).

## COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.

The Lord Chancellor, under the powers of the 16 & 17 Vict. c. 78, intituled "An Act relating to the Appointment of Persons to administer Oaths in Chancery, and to Affidavits made for Purposes connected with Registration," has appointed the following gentlemen to be Commissioners for administering Oaths in Chancery:—

### To be London Commissioners.

Samuel Lepard, 9, Cloak-lane, City.  
John Satchell, 6, Queen-street, Cheapside, City.  
David Gray, 20, Lincoln's-inn-fields.  
Nicholas Gedye, 14, George-street, Mansion-house, City.  
John Pike, 28, Old Burlington-street.  
Thomas Lott, 43, Bow-lane, Cheapside, City.  
Charles William Hird, Portland Chambers, 75, Great Titchfield-street, and 1, Hartland-terrace, Kentish-town-road.  
George Peter de Rhe Philipe, Gray's-inn-square, and 4, Lloyd-street, Lloyd-square, Pentonville.  
Simon Dunning, 25, Austin-friars, City.  
Thomas Hornby, 31, St. Swithin's-lane, City.  
Francis Smedley, 40, Jermyn-street, St. James's.  
Robert John Child, 11, Old Jewry, City.  
Josiah Wilkinson, 2, Nicholas-lane, Lombard-street.

### To be Commissioners in England.

John Parry Jones, Denbigh.  
John Braddock Walmisley, Marple, Stockport, Cheshire.  
John Brown Twist, Coventry.  
Frederick Viel Jacques, Bristol.

## CIRCUITS OF THE JUDGES.

(Mr. Justice MAULE will remain in Town).

SPRING CIRCUITS, 1854.	NORFOLK.	MIDLAND.	HOME.	NORTHERN.	OXFORD.	WESTERN.	N. WALES.	S. WALES.
	Ld. Campbell LCB Pollock	L. C. J. Jervis J. Coleridge	B. Parke B. Alderson	J. Cresswell B. Platt	J. Wightman J. Talfourd	J. Erie B. Martin	J. Williams	J. Crompton
Friday.. Feb. 17	.....	.....	.....	Lancaster	.....	.....	.....	.....
Tuesday... 21	.....	.....	.....	Appleby	.....	.....	.....	.....
Thursday... 23	.....	.....	.....	Carlisle	.....	.....	.....	.....
Saturday... 25	.....	.....	.....	.....	Reading	.....	.....	.....
Monday... 27	.....	Oakham	.....	Newcastle &	.....	Winchester	.....	.....
Wednes., Mar. 1	.....	Northamptn.	Hertford	[Town Oxford	.....	.....	.....	.....
Thursday... 2	.....	.....	.....	Durham	.....	.....	.....	.....
Saturday... 4	Aylesbury	Lincoln &	.....	.....	.....	.....	.....	.....
Monday... 6	.....	[City Chelmsford	.....	.....	Worcester &	Salisbury	.....	Swansea
Tuesday... 7	.....	.....	.....	York & City	[City	.....	.....	.....
Thursday... 9	Bedford	Nottingham	.....	.....	.....	.....	.....	.....
Friday... 10	.....	[& Town	.....	.....	.....	Dorchester	.....	.....
Saturday... 11	.....	.....	Lewes	.....	Stafford	.....	.....	.....
Monday... 13	Huntingdon	.....	.....	.....	.....	.....	.....	Haverford.
Tuesday... 14	.....	Derby	.....	.....	.....	Exeter & City	Welchpool	[west & Ta.
Wednesday... 15	Cambridge	.....	.....	.....	.....	.....	.....	.....
Thursday... 16	.....	.....	Maidstone	.....	.....	.....	.....	Cardigan
Friday... 17	.....	.....	.....	.....	.....	.....	Bala	.....
Saturday... 18	.....	Leicest. & B.	.....	Liverpool	.....	.....	.....	.....
Monday... 20	Norwich and	.....	.....	.....	.....	.....	Carnarvon	.....
Tuesday... 21	[City	.....	.....	.....	Shrewsbury	Bodmin	.....	Carmarthen
Thursday... 23	.....	Coventry	.....	.....	.....	.....	Beaumaris	.....
Saturday... 25	Bury St. Ed.	Warwick	Kingston	.....	Hereford	Taunton	Ruthin	Brecon
Wednesday... 29	.....	.....	.....	.....	Monmouth	.....	Mold	.....
Thursday... 30	.....	.....	.....	.....	.....	.....	.....	Presteign
Saturd., April 1	.....	.....	.....	.....	Gloucester &	.....	Chester	Chester
					[City			

## Court Papers.

EQUITY SITTINGS, AFTER HILARY TERM,  
1854.

## Court of Chancery.

Before the LORD CHANCELLOR, at Lincoln's Inn.

Wednesday.. Feb. 8	First Seal.
Thursday..... 9	Appeals.
Friday..... 10	Petitions and Appeals.
Saturday..... 11	} Appeals.
Monday..... 13	
Tuesday..... 14	} Appeals.
Wednesday..... 15	
Thursday..... 16	} Petitions and Appeals.
Friday..... 17	
Saturday..... 18	} Appeals.
Monday..... 20	
Tuesday..... 21	} Appeals.
Wednesday..... 22	
Thursday..... 23	Second Seal.
Friday..... 24	Petitions and Appeals.
Saturday..... 25	} Appeals.
Monday..... 27	
Tuesday..... 28	} Appeals.
Wednesday, March 1	
Thursday..... 2	} Petitions and Appeals.
Friday..... 3	
Saturday..... 4	} Appeals.
Monday..... 6	
Tuesday..... 7	} Appeals.
Wednesday..... 8	
Thursday..... 9	} Petitions and Appeals.
Friday..... 10	
Saturday..... 11	Third Seal.
Monday..... 13	} Appeals.
Tuesday..... 14	
Wednesday..... 15	} Appeals.
Thursday..... 16	
Friday..... 17	Petitions and Appeals.

Saturday..... 18	} Appeals.
Monday..... 20	
Tuesday..... 21	
Wednesday..... 22	
Thursday..... 23	} Petitions and Appeals.
Friday..... 24	
Saturday..... 25	} Appeals.
Monday..... 27	
Tuesday..... 28	Fourth Seal.

Notice.—Such days as his Lordship is hearing Appeals in the House of Lords excepted.

Before the LORDS JUSTICES, at Lincoln's Inn.

Wednesday.. Feb. 8	First Seal.—Appeal Motions.
Thursday..... 9	Appeals.
Friday..... 10	} Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday..... 11	
Monday..... 13	} Appeals.
Tuesday..... 14	
Wednesday..... 15	} Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Thursday..... 16	
Friday..... 17	} Appeals.
Saturday..... 18	
Monday..... 20	} Appeals.
Tuesday..... 21	
Wednesday..... 22	} Second Seal.—Appeal Motions.
Thursday..... 23	
Friday..... 24	} Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday..... 25	
Monday..... 27	} Appeals.
Tuesday..... 28	
Wednesday, March 1	} Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Thursday..... 2	
Friday..... 3	} Appeals.
Saturday..... 4	
Monday..... 6	} Appeals.
Tuesday..... 7	
Wednesday..... 8	} Appeals.
Thursday..... 9	

Friday .....	10	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday .....	11	Third Seal.—Appeal Motions.
Monday .....	13	Appeals.
Tuesday .....	14	
Wednesday .....	15	
Thursday .....	16	
Friday .....	17	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday .....	18	Appeals.
Monday .....	20	
Tuesday .....	21	
Wednesday .....	22	
Thursday .....	23	
Friday .....	24	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday .....	25	Appeals.
Monday .....	27	
Tuesday .....	28	Fourth Seal.—Appeal Motions.
Wednesday .....	29	Appeal Petitions.

*Notice.*—The days (if any) on which the Lords Justices shall be engaged in the full Court, or at the Judicial Committee of the Privy Council, are excepted.

*Before the Right Hon. the MASTER OF THE ROLLS, at Chancery-lane.*

Wednesday .. Feb. 8	First Seal.
Thursday .....	9
Friday .....	10
Saturday .....	11
Monday .....	13
Tuesday .....	14
Wednesday .....	15
Thursday .....	16
Friday .....	17
Saturday .....	18
Monday .....	20
Tuesday .....	21
Wednesday .....	22
Thursday .....	23
Friday .....	24
Saturday .....	25
Monday .....	27
Tuesday .....	28
Wednesday, March 1	
Thursday .....	2
Friday .....	3
Saturday .....	4
Monday .....	6
Tuesday .....	7
Wednesday .....	8
Thursday .....	9
Friday .....	10
Saturday .....	11
Monday .....	13
Tuesday .....	14
Wednesday .....	15
Thursday .....	16
Friday .....	17
Saturday .....	18
Monday .....	20
Tuesday .....	21
Wednesday .....	22
Thursday .....	23
Friday .....	24
Saturday .....	25
Monday .....	27
Tuesday .....	28

	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.

N.B.—Short Causes, Short Claims, Consent Causes, Unopposed Petitions, and Claims, every Saturday at the sitting of the Court.

*Notice.*—Consent Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard.

*Before Vice-Chancellor Sir RICHARD T. KINDERSLEY, at Lincoln's Inn.*

Wednesday .. Feb. 8	First Seal.—Motions and Causes.
Thursday ..... 9	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.

Friday .....	10	Petitions (unopposed first).
Saturday .....	11	Short Causes, Short Claims, & Causes.
Monday .....	13	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Tuesday .....	14	
Wednesday .....	15	Petitions (unopposed first).
Thursday .....	16	
Friday .....	17	Short Causes, Short Claims, & Causes.
Saturday .....	18	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Monday .....	20	
Tuesday .....	21	Second Seal.—Motions and Causes.
Wednesday .....	22	Petitions (unopposed first).
Thursday .....	23	Short Causes, Short Claims, & Causes.
Friday .....	24	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Saturday .....	25	
Monday .....	27	Petitions (unopposed first).
Tuesday .....	28	
Wednesday, March 1		Short Causes, Short Claims, & Causes.
Thursday .....	2	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Friday .....	3	
Saturday .....	4	Petitions (unopposed first).
Monday .....	6	Short Causes, Short Claims, & Causes.
Tuesday .....	7	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Wednesday .....	8	
Thursday .....	9	Petitions (unopposed first).
Friday .....	10	
Saturday .....	11	Third Seal.—Motions, Short Causes, Short Claims, and Causes.
Monday .....	13	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Tuesday .....	14	
Wednesday .....	15	Petitions (unopposed first).
Thursday .....	16	
Friday .....	17	Short Causes, Short Claims, & Causes.
Saturday .....	18	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Monday .....	20	
Tuesday .....	21	Petitions (unopposed first).
Wednesday .....	22	
Thursday .....	23	Short Causes, Short Claims, & Causes.
Friday .....	24	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Saturday .....	25	
Monday .....	27	Fourth Seal.—Motions and Causes.
Tuesday .....	28	N.B.—Unopposed Petitions, not exceeding ten, at the sitting of the Court, every day except Seal-days.

*Before Vice-Chancellor Sir J. STUART, at Lincoln's Inn.*

Wednesday .. Feb. 8	First Seal.—Motions.
Thursday .....	9
Friday .....	10
Saturday .....	11
Monday .....	13
Tuesday .....	14
Wednesday .....	15
Thursday .....	16
Friday .....	17
Saturday .....	18
Monday .....	20
Tuesday .....	21
Wednesday .....	22
Thursday .....	23
Friday .....	24
Saturday .....	25
Monday .....	27
Tuesday .....	28
Wednesday, March 1	1
Thursday .....	2
Friday .....	3
Saturday .....	4
Monday .....	6
Tuesday .....	7
Wednesday .....	8
Thursday .....	9
Friday .....	10
Saturday .....	11
Monday .....	13
Tuesday .....	14
Wednesday .....	15
Thursday .....	16
Friday .....	17
Saturday .....	18

Monday .....	20	Petitions.
Tuesday .....	21	Short Causes, Short Claims, & Causes.
Wednesday .....	22	
Thursday .....	23	Pleas, Demurrers, Exceptions, Causes,
Friday .....	24	Claims, and Further Directions.
Saturday .....	25	
Monday .....	27	Petitions.
Tuesday .....	28	Fourth Seal.—Motions.

*Before Vice-Chancellor Sir W. P. Wood, at Lincoln's Inn.*

Wednesday .. Feb. 8		First Seal.—Motions and General Paper.
Thursday .....	9	Pleas, Demurrers, Exceptions, Causes,
Friday .....	10	Claims, and Further Directions.
Saturday .....	11	Petitions, (unopposed first), Short Causes & Claims, & General Paper.
Monday .....	13	
Tuesday .....	14	
Wednesday .....	15	Pleas, Demurrers, Exceptions, Causes,
Thursday .....	16	Claims, and Further Directions.
Friday .....	17	
Saturday .....	18	Petitions, (unopposed first), Short Causes & Claims, & General Paper.
Monday .....	20	
Tuesday .....	21	Pleas, Demurrers, Exceptions, Causes,
Wednesday .....	22	Claims, and Further Directions.
Thursday .....	23	Second Seal.—Motions and General Paper.
Friday .....	24	Pleas, Demurrers, Exceptions, Causes,
Saturday .....	25	Claims, and Further Directions.
Monday .....	27	Petitions, (unopposed first), Short Causes & Claims, & General Paper.
Tuesday .....	28	
Wednesday, March 1		Pleas, Demurrers, Exceptions, Causes,
Thursday .....	2	Claims, and Further Directions.
Friday .....	3	
Saturday .....	4	Petitions, (unopposed first), Short Causes & Claims, & General Paper.
Monday .....	6	
Tuesday .....	7	
Wednesday .....	8	Pleas, Demurrers, Exceptions, Causes,
Thursday .....	9	Claims, and Further Directions.
Friday .....	10	
Saturday .....	11	Third Seal.—Motions and General Paper.
Monday .....	13	Petitions, (unopposed first), Short Causes & Claims, & General Paper.
Tuesday .....	14	
Wednesday .....	15	Pleas, Demurrers, Exceptions, Causes,
Thursday .....	16	Claims, and Further Directions.
Friday .....	17	
Saturday .....	18	Petitions, (unopposed first), Short Causes & Claims, & General Paper.
Monday .....	20	
Tuesday .....	21	
Wednesday .....	22	Pleas, Demurrers, Exceptions, Causes,
Thursday .....	23	Claims, and Further Directions.
Friday .....	24	
Saturday .....	25	Petitions, (unopposed first), Short Causes & Claims, & General Paper.
Monday .....	27	Pleas, Demurrers, Exceptions, Causes,
Tuesday .....	28	Claims, and Further Directions.
		Fourth Seal.—Motions and General Paper.

### House of Lords.

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied.—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*Cl.* Claim—*C.* Costs—*D.* Demurrer—*E.* Exceptions—*F. D.* Further Directions—*M.* Motion—*P. C.* Pro Confesso—*Pl.* Plea—*Ptn.* Petition—*R.* Re-hearing—*S. O.* Stand Over—*Sh.* Short.

*List of Causes appointed for Hearing, Session 1854.*

Andrews v. Walton (From Galway v. Barron (Exchequer, England) (A)

Campbell or M'Laren v. Fisher (Part heard, and further hearing adjourned)  
 Earl of Stirling v. Officers of State of Scotland (Part heard)  
 Sir Henry Bridges v. Fordyce (A)  
 Harrison v. Stickney (Writ of error, reheard in part on costs)  
 Broadley v. Stickney (Writ of error)  
 Potter and Govan Railway Co. v. Newton (A)  
 Ranger v. Great Western Railway Co. (Fully heard on rehearing)  
 Edinburgh and Glasgow Railway Co. v. Provost, &c. of Linlithgow (Fully heard)  
 Marianski v. Paiservice & an. (First appeal)  
 Same v. Same (Second appeal)  
 Madoaks v. Roberts (A)  
 Christie v. Allan or Hoskins (Cause remitted)  
 Hon. O. F. Toler v. Graham (A)  
 O'Connell v. Mansfield (Writ of error, fully heard)  
 Mayor, &c. of London v. Combe (Lord Lyndhurst's judgment in the court below)  
 Grantham Canal Co. v. Hall (Under compromise)  
 Maunsell & White v. White Gregory v. Duke of Brunswick (Part heard) *S O*  
 Herring & an. v. Clobury  
 Dunn v. Lord Blantyre (A)  
 Robertson or Rennie v. Mitchell  
 Comerford v. Corley & an. (Under compromise)  
 Bathie v. Flowerdew (A)  
 Manson v. Sir W. Baillie, Bart. (A)  
 Reg. v. Gregory (Writ of error)  
 Livingston v. Presbytery of Hamilton (A)  
 Gregory v. Reg. (Writ of error, on information)  
 Same v. Same (On indictment)  
 Gammell v. Commissioners of Woods, &c. and Lord Advocate of Scotland (Fully heard)  
 Anderson v. Anderson  
 Flowerdew v. Machlan (A)  
 Aberdeen Railway Co. v. Blakie Brothers (Third appeal, fully heard)  
 Jefferys v. Bossey (Writ of error, judges)  
 Edinburgh Water Co. & an. v. Hay  
 Bannerman v. Melville  
 Shedden v. Patrick  
 Scott v. Scott  
 Hull Terrell v. Hutton  
 University of Edinburgh v. Lord Provost of Edinburgh  
 Wilson v. Wilson  
 Bishop of Lincoln, Marquis of Bristol, & an. v. Robinson

Guinness v. Armstrong  
 Young v. Cuthbertson (First appeal)  
 Same v. Same (Second appeal)  
 Orr v. Union Bank of Scotland & an.  
 Duncan v. Whitson  
 Flowerdew v. M'Intosh (A)  
 Mayor of Southampton v. Attorney-General  
 Symot v. Simpson  
 Bryden v. Stewart  
 Clark v. City of Glasgow Life Assurance Co.  
 Kerr & an. v. Marquis of Ailes (First appeal)  
 Same v. Same (Second appeal)  
 Dickson v. Dickson  
 Her Majesty's Advocate-General v. Smith  
 Thompson v. North of Scotland Banking Co.  
 Ambergate, &c. Railway Co. v. Grantham Canal Navigation  
 Glendonwyn or Scott v. Maxwell  
 Jorden & Wife v. Money  
 Dr. W. Jack v. Lady James Hay & Husband  
 Borrowes & Co. v. Colquhoun & an.  
 Ostler v. Cooke  
 Torre v. Browne  
 Blair Iron Co. v. Alison  
 Dudgeon & an. v. Thomson & an.  
 Commissioners of Harbour and Docks of Leith v. Scotland  
 Dr. J. Grant v. Livingstone (First appeal)  
 Same v. Same (Second appeal)  
 Ure v. Miller  
 Caledonian and Dumbarton Railway Co. v. Helensburgh Harbour Trustees  
 Stanton v. Percival  
 National Exchange Company of Glasgow v. Drew  
 Drew v. Drew & an.  
 Unwin v. Heath, Administratrix  
 Fleeming & an. v. Orr  
 Walker & Co. v. Sir M. R. Stewart, Bart.  
 Lang & an. v. Brown & an.  
 Buchanan v. Douglas  
 M'Creight v. M'Creight  
 Hon. M. E. Norton v. Sterling  
 Melrose & Co. v. Hastie & Co.  
 Webb v. Direct London and Portsmouth Railway Co.  
 Baird v. Ross  
 O'Connor v. Haslam  
 Carron Co. v. MacLaren  
 Elmsly v. Brown  
 Hon. W. H. B. Ogilvy v. Earl of Airlie  
 Caledonian Railway Co. v. Ogilvy  
 Gray v. Graham  
 Young v. Londoun & Co.  
 Sawers v. Russell  
 Baillie v. Dame A. Macdonald Lockhart.

**Court of Chancery.****EQUITY CAUSE LISTS, AFTER HILARY TERM, 1854.***Before the LORD CHANCELLOR.*

Kekewich v. Marker (Ap to be spoken to).  
Schofield v. Calmac (Ap).

*Before the LORDS JUSTICES.***APPEALS, &c.**

Stronge v. Hawkes (F D, C, by order)  
Att.-Gen. v. Mayor, Aldermen, &c. of Rochester (3 Aps)  
Penny v. Goode } (2 Aps)  
Same v. Same }  
Forbes v. Limond (Ap)

Letts v. London Corn Exchange (Ap)  
Senhouse v. Hall (Ap)  
Goldie v. Smith (Ap)  
Allatt v. Bailey } (Ap)  
Same v. Wilkinson }  
Barrett v. Ring (Ap)  
Haynes v. Forshaw (Ap).

*Before the Right Hon. the MASTER OF THE ROLLS.***CAUSES, &c.**

Nokes v. Stanbrough } (Can.)  
Same v. Same }  
Smith v. Adams (Cause)  
Austin v. Austin (Further con.)  
Dawe v. Grandin (Cause)  
Williams v. Williams (Cause)  
Allen v. Roberts (Cl)  
Daniel v. Knight (3 titles, F D, C)  
Bayfield v. Bayfield (F D, C)  
Att.-Gen. v. Governors of Sherborne Grammar School (Cause)  
Keddy v. Cottam (Cl)  
Hutchins v. Morris (Cause)  
Armstrong v. Buckland (F D, C)  
Iredell v. Iredell (M for decree)  
Swan v. Holmes (Special case)  
Shea v. Boschetti (Cl)  
Morton v. Markby (Cause)  
Metcalf v. Broese (Further consideration)  
Smith v. Humbly (E)  
Cowling v. Bowstead (M for decree)  
Solley v. Wood } (M for de-  
Beaker v. Same } cree).  
Pennell v. Allen (M for dec.)  
Miller v. Morris (Cause)  
Elkins v. Toleman (Further consideration)  
Att.-Gen. v. Brook (4 titles, Cause)

Lowe v. Lowe (Cause)  
Mudge v. Futvoye (E)  
Kempe v. Kempe (M for dec.)  
Tims v. Ashwell (Cause)  
Dinia v. Hollows (M for dec.)  
Wilson v. Foster (M for dec.)  
Andrew v. Simmons (Cause)  
Att.-Gen. v. Davey (Cause)  
Boosey v. Gardner (Sp. case)  
Henderson v. Smith (M for decree)  
Nunn v. Hill (Further con.)  
Meeson v. Stock (Sp. case)  
Newsham v. Wakelin (Cause)  
Brown v. Howard (7 titles, F D, C)  
Kensington v. Bouverie (Cau.)  
Wilbraham v. Livesey (Cl)  
Inskip v. Purser (Cl)  
Stewart v. Burge (Cause) SA  
Playfair v. Harrison (Cause)  
Hart & Wife v. Tribe (Further consideration)  
Hart v. Tribe (Further con.)  
Fletcher v. Brown (Cause)  
Wright v. Milson (Further consideration)  
Naylor v. Dowling (Cause)  
Westmorland v. Swallow (F D, C)  
Wilson v. Harley (Cause)  
Gibson v. Goldsmid (Cause)  
Forbes v. Forbes (Cause)  
Flather v. Halswell (Cl).

*Before Vice-Chancellor Sir RICHARD T. KINDERSLEY.***CAUSES, &c.**

Saunders v. Richardson (D)  
Same v. Same (D)  
Gwennap v. Burns } (F D, C,  
Same v. Hockley } Ptn)  
Hitchman v. Stewart } (Can.)  
Trail v. Same }  
Bishop v. Countess of Jersey (Cause)  
Att.-Gen. v. Brown's } (F D,  
Hospital } C)  
Same v. French }  
Briant v. Dennett (Cause)  
Pearce v. Peck (Cl)  
Countess of Egremont v. Thompson (3 titles, F D, C)  
Coates v. Coates } (F D, C)  
Wenham v. Coates }  
Hawkins v. Gathercole (4 titles, cause)

Page v. Minton (Cause)  
Davis v. Chanter } (Cause)  
Same v. Plymell }  
Cox v. Middleton (Cause)  
Maybery v. Brooking (Cause)  
Pilgrim v. Pilgrim (Cause)  
Lord v. Colvin (Cause)  
Devey v. Fisher (F D, C)  
Clarke v. Taylor (Further consideration)  
Robinson v. Frampton (M for decree)  
Neve v. Hodges (Cl)  
Taylor v. Austin (Further consideration)  
Ford v. Duley (F D, C)  
Carter v. Sanders (Cause)  
Williams v. Vaughan (M for decree)

Sparrow v. Sparrow (E)  
Jee v. Atherton (3, F D, C)  
Moorley v. Moorley (3, F D, C)  
Judson v. Judson (M for dec.)  
Hoyland v. Hemingway } (FD,  
Hoyland v. Hemingway } C)  
Olney v. Eates (Cause)  
In re Estate of Sarah } (Fur-  
Challis } ther  
Scotto v. Stone } con.)  
Hinton v. Griffiths (Cl)

Hurne v. Pike (Cl)  
Smith v. Smith } (Cause)  
Smith v. Thornhill }  
Tomlinson v. Trough- } (F D,  
ton } C)  
Haydock v. Tomlinson }  
Great Western Railway Co. v. Oxford, &c. Railway Co. (M for decree)  
Squire v. Balmanno } (F D,  
Squire v. Squire } C)  
Way v. Way (Cause).

*Before Vice-Chancellor Sir J. STUART.***PLEAS, DEMURRERS, CAUSES, &c.**

Russell v. M'Culloch (E)  
Bird v. Breese (F D, C, Ptn)  
Kerby v. Hill (Cause) S O to chambers  
Stringer v. Fortune (Cl)  
Sandford v. Jodrell } (Cause,  
Same v. Same } parthd.)  
Rangeley v. Rangeley (F D, C)  
Butt v. Hill } (Cause) S O  
Same v. Same } to chambers  
Lockhart v. Reilly (F D, C)  
Crompton v. Huber (M for decree)  
Jones v. Thomas (Cause)  
Roberts v. Ball (Cause)  
Mills v. Edge (Cause)  
Fitzherbert v. Gandolfi (Cau.)  
Branch v. Hall (Further consideration)  
Drysedale v. Mace (Cl)  
Ramadge v. Cartwright (Cau.)  
East v. Fleming (M for dec.)  
Tubb v. Penton (Further consideration)  
Hope v. Hope (M for decree)  
Hatton v. Smith (M for dec.)  
Farrar v. Barracrough (Cause)  
Farrar v. Ellwand (F D, C)  
Baker v. Treble (F D, C)  
Dale v. Hayes (F D, C)  
Kane v. Reynolds (Cl)  
Pearce v. Watkins (F D, C)  
Cator v. Reeves } (Further  
Same v. Barnecott } consid.)  
Chambers v. White (3 titles, F D, C)  
Rose v. Smith (F D, C)  
Johnson v. Webster (Cause)  
Lawson v. Meek (F D, C)  
Diplock v. Hammond (Cau.)  
Hawkesworth v. Hawkesworth (Cause)  
Vaughan v. Harries (5 titles, F D, C)  
Sherratt v. Shuffebotham (F D, C)  
Thompson v. Partridge (Can.)  
Butler v. Wright (Cause)  
Foister v. Brookman (Further consideration)  
Finch v. Southes (Cause)  
Evans v. Summers (F D, C)  
Bates v. Toller (Further consideration)  
Stow v. Wood } (Cause)  
Same v. Butcher }  
Thompson v. Wade (Cl) SA  
Baquet v. Hopkins (Cause)  
Wilson v. Still (F D, C)  
Barnes v. Ridgway (Cause)  
Bristowe v. Hunt (Cause)  
Domville v. Att.-Gen. } (Fur-  
Same v. Bayley } con.)  
Moreton v. Nutt (Cause)  
Elliott v. Ince (Supp. claim)

Briggs v. Countess of } (E,  
Oxford } 2 sets)  
Same v. Same }  
Alington v. Balmer (Cl)  
Marshall v. Marshall (Cl)  
Porpa v. Porpa (Cause)  
Lindus v. Shannon (Cause)  
Lea v. Smith } (Further con-  
Same v. Same } sideration)  
Bentley v. Bacon (F D, C)  
Cospe v. Arnold (Cause)  
Arnold v. Cospe (Cause)  
Tynte v. Buller (Cl)  
Trim v. Hubbard (F D, C)  
Moore v. Beames (M for dec.)  
Green v. Warden (Cause)  
Oddy v. Secker (Cl)  
Bealy v. Kent (Cl)  
Bruce v. Morris (3 titles, F D, C)  
Jones v. Williams (F D, C)  
Sandford v. Sanders (Cause)  
Pearson v. Day (Cl)  
Hextall v. Cheate } (E, F D,  
Same v. Same } C)  
Dixon v. Gillatt (Cl)  
Beames v. Moore (M for dec.)  
Ellice v. Goodson (10 titles, E)  
Cooper v. Cooper (F D, C)  
Att.-Gen. v. Summers (F D, C)  
Gibson v. Evans (F D, C)  
Hoyes v. Kindersley } (E,  
Hoyes v. Willey } 2 sets)  
Bateman v. Cooke (3 titles, F D, C)  
Mander v. Cattell (Cl)  
Fletcher v. Metham (F D, C)  
Warbuton v. Warbuton (Further consideration)  
Leathart v. Thorne (3 titles, E, 2 sets, F D, C)  
Taylor v. Gibson (M for dec.)  
Welaby v. Ashcroft (Further consideration)  
Bott v. Allen (Cl)  
Debalinhard the younger v. Bullock } (Cause)  
Debalinhard the younger v. Halford }  
Debalinhard v. Halford }  
Wickenden v. Rayson (M for decree)  
Palmer v. Longland (Cause)  
Macrae v. Ellerton (Cause)  
Schofield v. Schofield (Cause)  
Yeats v. M'Intosh (F D, C)  
Smith v. Jee (Further con.)  
Noakes v. Carr (Further con.)  
Att.-Gen. v. Corporation of Exeter } (F D,  
Same v. Same } C)  
Douglas v. Middleton (3 titles, F D, C)  
Phillips v. Phillips (Cause)

Marshall v. Bremner (F D, C)  
 Hood v. Parker (Cl)  
 Alford v. Hatch (F D, C) SA  
 Smith v. Robinson (Further consideration)  
 Yates v. Meginn (Cause) SA  
 Kendall v. Pinsent (Cl)  
 M'Leod v. Mathinson (F D, C)  
 May v. James (Further con.)  
 Elton v. Crompton (M for dec.)  
 Hyne v. Dingle (Cl)  
 Cowley v. Smith (Special case)

Woodcock v. Leresche (Cl)  
 Lethbridge v. Lethbridge (M for decree)  
 Coathupe v. Dunning } (Further consideration)  
 Same v. Same } (Further consideration)  
 Thompson v. Morris (F D, C)  
 Dollond v. Johnson (F D, C)  
 Cradock v. Owen (Further consideration)  
 Kendall v. Roskrige (F D, C)  
 Stuart v. Pollard (Further consideration)  
 Stockey v. Countze (Cl).

*Before Vice-Chancellor Sir W. P. WOOD.*

PLEAS, DEMURRERS, CAUSES, &c.

Crook v. Eyre (D)  
 Adams v. Scott (Pl)  
 Adams v. Scott (Pl)  
 Adams v. Scott (Pl)  
 Smith v. Smith (Pl)  
 France v. Sympton (D)  
 Dalrymple v. Hannah (Cl)  
 Barford v. Barford (Cl)  
 Routh v. Blagrove (Cl)  
 Atkinson v. Oxford, &c. Railway Co. (Cause)  
 Walker v. Poole (Cause)  
 Lowe v. Thomas (M for dec.)  
 Thornton v. Stokill (Cause)  
 Cope v. Harper (Cause)  
 Willcox v. Maule (F D, C)  
 Yeoman v. Chawcroft (Cause)

*S O to chambers*  
 Lindsay v. Botling (Cl)  
 Etherington v. Dewell (Cl)  
 Bennell v. Bennell (Sp. case)  
 Fellows v. Page (Special case)  
 Fearsall v. Maundrell (Cause)  
 Lawton v. Anderton (Cause)  
 Furley v. Bishopp (M for dec.)  
 Stoddart v. Zotti (Cause)  
 Bebb v. Bunney (M for decree)  
 Hagger v. Neahy (Sp. case)  
 Quilter v. Hignell (Sp. case)  
 Douglas v. Douglas (Sp. case)  
 Kennedy v. Kennedy } (Further consideration)  
 Same v. Williams } (Further consideration)  
 Gilbert v. Gilbert (M for decree)

Chapman v. Gilbert (Further consideration)  
 Bell v. Cartwright (Cause)  
 West v. Ray (Special case)  
 Reeve v. Hodson (F D, C)  
 Rostron v. Turner (Sp. case)  
 Turner v. Isherwood (Cl)  
 Lewis v. Maule (Cl)  
 Powiss v. Blagrove (M for decree)

Atchison v. Le Mann (Further consideration)  
 Hill v. Pritchard (Special case)  
 Smith v. Johnson (Cause)  
 Gilbert v. Price (Cause)  
 Insole v. James (Cause)  
 Gillet v. Lloyd (Cause)  
 Dean v. Newman (Cl)  
 Bing v. Coleman (Cause)  
 Startin v. Gloucester & Berkeley Canal Co. (M for dec.)  
 Edelsten v. Vick (M for dec.)  
 Schultdt v. Kent (M for dec.)  
 Swan v. Webb (Further con.)  
 Allan v. Allan (Further con.)  
 Rabbeth v. Squire (M for dec.)  
 Leak v. Jones (Cause)  
 Kent v. House (Cause)  
 Needham v. Needham (F D, C)

Cooper v. Cooper (M for dec.)  
 Wright v. Hallam (Cause)  
 Ward v. Turner (Cl)  
 Logdon v. Jocolyne (Cl)  
 Wagstaff v. Oates (M for dec.)  
 Maule v. Price (M for decree)  
 Blount v. Warwick & Napton Canal Co. (Cause)  
 Thompson v. Same (M for decree)  
 Bennett v. Adkins (M for dec.)  
 Whitham v. Gill (Cause)  
 Freeman v. Laselett (F D, C)  
 Crosse v. Young (F D, C)  
 Whitehouse v. Thompson (Cl)  
 Att.-Gen. v. Sturge (Cause)  
 Webb v. Leducort } (F D, C)  
 Harrison v. Same } (Ptn)  
 Barber v. Sterry (Cause)  
 Goldsmid v. Stonehaven (Cl)  
 Harper v. Richards (Cl)  
 Taylor v. Cargill (3 titles, F D, C)

Sillibourne v. Newport (M for decree)  
 Beech v. Keep (Cause)  
 Harris v. Watkins (Further consideration)  
 Burton v. Starkey (M for dec.)  
 Cook v. Sturgis (Cl)  
 Pollard v. Pollard (Cl)  
 Weathall v. Bannister (M for decree)  
 Hoffman v. Duncan (M for decree)

Fisher v. Balls } (Cl)  
 Same v. Same } (Cl)  
 Daniell v. Miller (Cl)  
 Hitchon v. Ormerod (M for decree)  
 Goldney v. Crabb (Cause)  
 White v. Grane (Cause)  
 Blaxland v. Blaxland (Further consideration)

Bull v. Champniss (M for dec.)  
 Storry v. Walsh (Special case)  
 Espey v. Lake (Cause)  
 Turner v. Newland (Sp. case)  
 Bituminous Shale Co. v. Casual (Cl)  
 Barbridge v. Parratt (Cause)  
 Bainbridge v. Swabey (Cl)  
 Newman v. Gooday (Cl)  
 Rees v. Gwynne (Cause)  
 Pawson v. Pawson (Cause)  
 Brickenden v. May (Cl)  
 Evans v. Heath (E)  
 Same v. Same (F D, C)  
 Ward v. Burbury (Sp. case)  
 Alden v. Stamps (M for dec.)  
 Darby v. Darby (Special case)  
 Holland v. Treacher (F D, C)  
 Att.-Gen. v. Hudson (Cause)  
 Turnbull v. Wawn (F D, C)

Miller v. Hayhurst (M for dec.)  
 Durant v. Jewell (Cl)  
 Smith v. Smith (M for decree)  
 Lewis v. Clowes (Cause)  
 In re Williams } (Further consideration)  
 Jones v. Williams } (Further consideration)  
 Eberhardt v. Roberts (Cl)  
 Fenn v. Death (Cause, Ptn)  
 Mayor of Faversham v. Ryder (Cause)  
 Goodfellow v. Goodfellow (Sp. case)

Harper v. Harper (Cl)  
 Semple v. Hagell (Cl)  
 Freeman v. Freeman (Cause)  
 Pope v. Sturgis (Cl)  
 Keates v. Bell (M for decree)  
 Hart v. Smith (M for decree, Cl)  
 Jones v. Owen (M for decree)  
 Neale v. Davies (M for decree)  
 Rouse v. Durant (Cause)  
 Hooper v. Dobree (M for dec.)  
 Price v. Harvey (Special case)  
 Gabriel v. Neill (Cl)  
 Lister v. Boulton (Cl)  
 Kendall v. Boulton (Cl)

Sadler v. Warren (M for dec.)  
 Bennion v. Poyser (M for dec.)  
 Potts v. Warwick & Birmingham Canal Co. (Cause)  
 Bird v. Johnson (Cause)  
 Macdonald v. Every (Cause)  
 Harvey v. Harvey (M for dec.)  
 Bevan v. Alleyne } (M for decree)  
 Same v. Goodeve } (M for decree)  
 Winch v. Winch (M for dec.)  
 Bell v. Thompson (Further consideration)

Smith v. London and South-western Railway Co. (Cau.)  
 Clapham v. Aubin } (Cause)  
 Same v. Same } (Cause)  
 Hubbard v. Smith (Further consideration)  
 Kemish v. Mitchell (M for decree)

Day v. Mitchell (M for decree)  
 Sutton v. Pass (Cause)  
 Fleming v. Self (Cl)  
 Lawton v. King } (Cause)  
 Same v. Same } (Cause)  
 Fenwick v. Stuart (M for dec.)  
 Murta v. Andrew (Cl)  
 Blaxland v. Blaxland (Further consideration)  
 Gwyon v. Gwyon (Cause)  
 Boston v. Boston (Cl)  
 Turner v. Isherwood

Forsyth v. Ellice } (E)  
 Same v. Same } (E)  
 Smythies v. Round (M for decree)  
 Matthews v. Windross (Cl)  
 Lloyd v. Wilkes (Cl)  
 Trafford v. Barton (Cause)  
 Ahmuty v. Bowdler (Cause)  
 Ragg v. Pratt (Cause)  
 Challens v. Bowden (Cause)  
 Valentine v. Edmondson (M for decree)

Coates v. Coates } (F D, C)  
 Wenham v. Coates } (F D, C)  
 Joy v. Aspinall (M for decree)  
 Green v. Wanchop (M for decree)

Walcot v. Botfield (Cause)  
 Harrison v. Southwell (Cau.)  
 Moyce v. Moyse (F D, C)  
 Draycott v. Wood } (M for decree)  
 Same v. Lowe } (M for decree)  
 Goodbody v. Ward } (Further consideration)  
 Challis v. Same } (Further consideration)  
 Prescott v. Baron } (Cause)  
 Rendlesham } (Cause)  
 Same v. Austin } (Cause)

Earl of Shrewsbury v. Countess of Shrewsbury (M for dec.)  
 York, &c. Railway Co. v. Summers (M for decree)  
 In re Fairbrother } (Further consideration)  
 Hall v. Har- } (Further consideration)  
 groves } (Further consideration)  
 Wainman v. Field (M for dec.)  
 Harris v. Harris } (M for decree)  
 Harvey v. Same } (Further consideration)

In re Gaze } (Further consideration)  
 Lofty v. Wright } (Further consideration)  
 Macgregor v. Kidd (Further consideration)

Partridge v. Hill (Cause)  
 Williams v. Gerard (Cl)  
 Rawlings v. Nash (Cl)  
 King v. Edwards } (M for decree)  
 Portway v. Edwards } (M for decree)  
 Waitt v. Waitt (Further con.)  
 Crouch v. Bonney (Cause)  
 Wilkes v. Swann (Cl)  
 Bellamy v. Cockle (M for dec.)  
 Alabaster v. Silver- } (M for decree)  
 thorne } (M for decree)  
 Alabaster v. Rolfe } (M for decree)  
 Thomas v. Lewis (P C)  
 Downing v. Young (Cause)  
 Hunter v. Clark } (F D, C)  
 Same v. Same } (F D, C)  
 Thorp v. Thorp (Cause).

*London Gazettes.*

FRIDAY, FEBRUARY 3.

BANKRUPTS.

THOMAS DAVIS and WILLIAM WHITEHOUSE GRANGER GARRETT, Rathbone-place, Oxford-street, Middlesex, export oilmen, Feb. 11 at half-past 1, and March 29 at 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Wheelock, 10, Chancery-lane.—Petition filed Jan. 31.

DANIEL WILLIAM LUCAS and ISAAC DODS, Arthur-street West, London, hemp and flax merchants, dealers and chapmen, Feb. 14 at 2, and March 20 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Parnell & Williams, 34, New Broad-st., London.—Petition filed Feb. 1.

JAMES OSBORNE, Kidderminster, Worcestershire, tailor and draper, Feb. 15 and March 15 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Boycott & Tudor, Kidderminster.—Petition dated Jan. 31.

**HENRY SHEAD**, Chipping-hill Mill, Witham, Essex, miller, dealer and chapman, Feb. 14 at 1, and March 20 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Banks & Stevens, Witham, Essex; Stevens & Satchell, 6, Queen-street, Chaepeaside, London.—Petition filed Feb. 2.

**GEORGE LAMBOURN**, Taplow, Berkshire, timber merchant, dealer and chapman, Feb. 15 at 2, and March 14 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Mieklem, Maidenhead, Berkshire; Messrs. Linklater, 17, Sise-lane, London.—Petition filed Jan. 28.

**JAMES PAUL** the elder, Portsea, Southampton, brewer, dealer and chapman, Feb. 17 at half-past 12, and March 17 at half-past 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Wigan, 8, Farnival's-inn, Holborn.—Petition dated Feb. 2.

**THOMAS HONEY**, Launceston, Cornwall, grocer and dealer in seeds, Feb. 14 and March 9 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Bishop & Pitts, Exeter.—Petition filed Jan. 30.

**HENTY ALLEN**, Bristol, chemist and druggist, dealer and chapman, Feb. 14 and March 14 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Bevan & Goring, Bristol.—Petition filed Jan. 23.

**THOMAS NORBURY** and **RICHARD BINDLOSS**, Manchester, silk manufacturers, dealers and chapmen, Feb. 20 and March 27 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Sale & Co., Manchester.—Petition filed Jan. 26.

**JOSEPH FRANCIS**, Manchester, baker, and flour and provision dealer, dealer and chapman, Feb. 14 and March 7 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sol. Boote, Manchester.—Petition filed Jan. 26.

**MEETINGS.**

*John Tolly Mercer*, Manchester, plumber, Feb. 14 at 12, District Court of Bankruptcy, Manchester, ch. ass.—*William Gibbie*, and *T. P. Ackerman*, Whitecross-street, Middlesex, and *New-cut*, Lambeth, Surrey, drapers, Feb. 24 at 11, Court of Bankruptcy, London, last ex. of *T. P. Ackerman*.—*John Seyer* and *Wm. Sayer*, High-street, Portland-town, Marylebone, Middlesex, Feb. 17 at 1, Court of Bankruptcy, London, last ex.—*Thos. Pope*, Kidbrooke, near Blackheath, Kent, cowkeeper, Feb. 17 at 1, Court of Bankruptcy, London, and. ac.; Feb. 25 at half-past 11, div.—*Robert Mooney*, Pleasant-row, Holloway-road, and Cropley-street, Hoxton New-town, Middlesex, tea dealer, Feb. 24 at 12, Court of Bankruptcy, London, and. ac.—*Wm. H. Collins*, Chepstow, Monmouthshire, grocer, Feb. 17 at 11, District Court of Bankruptcy, Bristol, and. ac.; March 3 at 11, div.—*James Warner*, Tipton, Staffordshire, maltster, March 7 at 11, District Court of Bankruptcy, Birmingham, and. ac.; March 8 at 11, div.—*Wm. Reynolds* the younger, Fullford's Hall Farm, Warwickshire, sheep salesman, Feb. 16 at 11, District Court of Bankruptcy, Birmingham, and. ac.—*William Reynolds* the elder, Wiggin's Hill, Warwickshire, cattle dealer, Feb. 16 at 11, District Court of Bankruptcy, Birmingham, and. ac.—*J. P. Wright*, Deptford, Kent, clerk in Greenwich Hospital, Feb. 25 at 12, Court of Bankruptcy, London, div.—*James Henry Lemere*, Maldon, Essex, draper, Feb. 25 at half-past 12, Court of Bankruptcy, London, div.—*G. B. Pettit*, Brook-street, New-road, St. Pancras, and Upper St. Martin's-lane, Middlesex, ironmonger, Feb. 25 at 1, Court of Bankruptcy, London, div.—*Henry William Hemsworth*, Primrose-street, Bishopsgate-street, Middlesex, wine merchant, March 2 at 1, Court of Bankruptcy, London, div.—*James Leader*, Liverpool, builder, Feb. 27 at 11, District Court of Bankruptcy, Liverpool, div. and pr. d.—*Stephen Crute*, Liverpool, plasterer, Feb. 27 at 11, District Court of Bankruptcy, Liverpool, div.—*John S. Leake*, Wheelock, Sandbach, Cheshire, salt merchant, Feb. 24 at 11, District Court of Bankruptcy, Liverpool, div.—*Edward Brookfield*, Woodcott, Cheshire, farmer, Feb. 24 at 11, District Court of Bankruptcy, Liverpool, div.—*James Marlow*, Walsall, Staffordshire, ironfounder, March 7 at 11, District Court of Bankruptcy, Birmingham, div.—*James Robeson*, Bradford, Yorkshire, bookseller, Feb. 24 at 11, District Court of Bankruptcy, Leeds, div.—*Thomas Avison*, Leeds, Yorkshire, stone merchant, Feb. 24 at 11, District Court of Bankruptcy, Leeds, div.—*Richard Jackson* and *Richard Yale*, Leeds, Yorkshire, engineers, Feb. 24 at 11, District Court of Bankruptcy, Leeds, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Thomas Chapman* the younger, Chenies-street, Tottenham-court-road, and Great George-street, Euston-square, Middlesex, dairyman, Feb. 27 at half-past 12, Court of Bankruptcy, London.—*George Turner*, St. George's-place, North Brixton, and Wandsworth, Surrey, baker, Feb. 27 at half-past 11, Court of Bankruptcy, London.—*Robert Mooney*, Pleasant-row, Holloway-road, and Cropley-street, Hoxton New-town, Middlesex, tea dealer, Feb. 24 at 12, Court of Bankruptcy, London.—*Moses Draper*, High-street, Southwark, Surrey, and Ramsgate, Kent, straw bonnet maker, Feb. 27 at half-past 12, Court of Bankruptcy, London.—*John Innell*, Ross, Herefordshire, grocer, Feb. 27 at 11, District Court of Bankruptcy, Bristol.—*R. A. Dorrington*, Manchester, woollen cloth merchant, Feb. 28 at 12, District Court of Bankruptcy, Manchester.—*J. W. Lewty*, Wilden, Worcestershire, *W. H. Partridge*, Birmingham, and *Edmund Lesty*, Stourport, Worcestershire, (carrying on business at Wilden), iron and tin-plate workers, March 2 at 11, District Court of Bankruptcy Birmingham.

*To be granted, unless an Appeal be duly entered.*

*F. C. Doddworth*, Turnham-green, Middlesex, surgeon.—*James Palmer*, Brighton, Sussex, builder.—*William Booth*, Commercial-road, Lambeth, Surrey, ironmonger.—*Josiah Brockwell*, Old Broad-street, London, merchant.—*Joseph Baxter*, Birmingham, builder.

## SCOTCH SEQUESTRATIONS.

*James Hamilton*, Hamilton, lace manufacturer.—*Robert Hutcheson*, Tradeston, Glasgow, shoemaker.—*Thos. Jenkins*, Arbroath, machine maker.—*John Buchan*, Glasgow, spirit dealer.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Terry*, Brighton, Sussex, baker, Feb. 11 at 10, County Court of Sussex, at Brighton.—*William Holdsworth Baker*, Halifax, Yorkshire, innkeeper, Feb. 17 at 10, County Court of Yorkshire, at Halifax.—*Wm. Dyer*, Shelley, Suffolk, butcher, Feb. 28 at 12, County Court of Suffolk, at Hadleigh.—*Joseph Henry Liggins*, Attleborough, Warwickshire, gentleman, Feb. 23 at 12, County Court of Warwickshire, at Nuneaton.—*Charles Carter*, Maldon, Essex, ironmonger, Feb. 21 at 12, County Court of Essex, at Maldon.—*William Newman Webb*, St. Mary, Suffolk, gentleman, Feb. 23 at 12, County Court of Suffolk, at Hadleigh.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Feb. 18 at 11, before Mr. Commissioner PHILLIPS.*

*Benjamin Bann*, Hamworth, Middlesex, horse dealer.—*H. Foulkes*, Norris-st., Whitmore-road, Hoxton, Middlesex, lath render.—*Lipman Cohen*, Middlesex-st., Whitechapel, London, cap manufacturer.—*Wm. Bristow*, Ford's-grove, Winchmore-hill, Edmonton, Middlesex, coach proprietor.

*Feb. 20 at 11, before the CHIEF COMMISSIONER.*

*George Tucker*, Bird-st., Oxford-st., Middlesex, dealer in coals.—*George Langley*, Scrutage, Heaton, near Hounslow, Middlesex, market gardener.—*Geo. Henry Groome*, Church-st., Upper-st., Islington, Middlesex, plasterer.—*Thos. Hitchcock*, St. John's-wood-terrace, St. John's-wood, Portland-town, Middlesex, out of business.

*Feb. 20 at 11, before Mr. Commissioner PHILLIPS.*

*Samuel Thomas King*, Kent-terrace, Newcross-road, Deptford, Kent, clerk to an attorney.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Feb. 17 at 10, before the CHIEF COMMISSIONER.*

*James Ely Mitchell*, Eden-place, Old Kent-road, Surrey, cheesemonger.



Feb. 17 at 10, before Mr. Commissioner MURPHY.

*Anthony Blanchard Pike*, Kingston-terrace, New Charlton, Kent, clerk in her Majesty's Dockyard, Woolwich.—*J. Shaw* the younger, Holborn-hill, London, out of business.—*Thomas Hill*, Brook, Chatham, Kent, commission agent for the sale of horses.—*John William Foster*, Lower-road, New-road, Rotherhithe, Surrey, out of business.

Feb. 18 at 11, before Mr. Commissioner PHILLIPS.

*Robert Bowman*, Swinton-st., Gray's-inn-road, Middlesex, carver and gilder.—*John Frost*, Ranelagh-place, Middlesex, agricultural labourer.—*Frances Powell*, widow, York-place, Portman-square, Middlesex, out of business.

Feb. 23 at 11, before Mr. Commissioner PHILLIPS.

*Adjourned.*

*Daniel Hurley*, St. Botolph, Bishopsgate, London, licensed victualler.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Staffordshire, at STAFFORD, Feb. 15 at 11.*

*John Gallagher*, Wolverhampton, licensed brewer.

*At the County Court of Cambridgeshire, at CAMBRIDGE, Feb. 16 at 10.*

*Edward Bicheno*, Over, farmer.

*At the County Court of Lancashire, at LANCASTER, Feb. 17 at 12.*

*George Butcher*, Blackpool, builder.—*George Mercer*, Liverpool, foreman to a cigar manufacturer.—*Thomas John Hampson*, Manchester, warehouseman.—*J. Dewsbury*, Manchester, building surveyor.—*Wm. Goodwin*, Salford, out of business.—*Thomas Bird*, Manchester, surgeon.—*R. Ashton*, widow, Hollinwood, near Oldham, provision-shop keeper.—*Joseph Barlow*, Oldham, cotton waste dealer.—*A. Kershaw*, Oldham, cotton waste dealer.—*J. Riley* the younger, Preston, out of business.—*William Owen*, Bolton-le-Moors, dealer in glass.—*Henry Taylor*, Manchester, milk seller.—*J. Taylor*, Rochdale, grocer.—*M. Dearden*, Gannow-lane, near Burnley, out of business.—*Henry Verey*, Heaton Norris, near Manchester, tailor.—*Thomas Qualife*, Leyland, near Preston, out of business.—*Hezekiah Monks*, Warrington, rope maker.—*Hannah Swindells*, widow, Hulme, Manchester, out of business.—*George Nicholson*, Lees, near Oldham, cotton spinner.—*Richard Crefit*, Hulme, Manchester, clerk.

*At the County Court of Glamorganshire, at CARDIFF, Feb. 17.*

*Wm. White*, Swansea, nursery seedsman.

*At the County Court of Sussex, at LEWES, Feb. 21.*

*Charles Wood*, Brighton, waiter.

*At the County Court of Warwickshire, at COVENTRY, Feb. 22 at 12.*

*Henry Newton*, Northfield, out of business.—*W. Tytherleigh*, Birmingham, wrought iron kitchen furniture manufacturer.—*George Reynolds*, Birmingham, butcher.

*At the County Court of Norfolk, at NORWICH, Feb. 25 at 10.*

*Martha Reeve*, widow, Great Yarmouth, licensed victualler.

*At the County Court of Gloucestershire, at GLOUCESTER, Feb. 28 at 10.*

*George Cooke*, Gloucester, out of business.

## TUESDAY, FEBRUARY 7.

### BANKRUPTS.

*THOMAS JONES BURTON*, *BAKER JOHN GABB*, and *FREDERICK ROSENTHAL CRUCHLEY*, Wigmore-street, Cavendish-sq., Middlesex, church furnishers, commission agents, and dealers in works of art, dealers and chapmen, Feb. 16 at half-past 12, and March 23 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Smith.—Petition filed Jan. 25.

*JAMES CROFTS*, Threadneedle-street, London, mine share broker, Feb. 16 at 11, and March 23 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Wyatt, Verulam-buildings.—Petition filed Feb. 4.

*WILLIAM GRAND*, Lower Tottenham, Middlesex, builder, dealer and chapman, Feb. 21 at 2, and March 21 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Wright & Bonner, 15, London-street, Fenchurch-street, London.—Petition filed Jan. 30.

*EDWARD BALDING*, Speenhamland, Speen, Berkshire, builder, Feb. 17 and March 24 at half-past 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Mecey, Thatcham, Berkshire; Rickards & Walker, 29, Lincoln's-inn-fields.—Petition dated Feb. 6.

*HENRY RIMINGTON TICKELL*, Mark-lane, London, and Roydon, Essex, brewer and hop merchant, dealer and chapman, Feb. 22 at 2, and March 21 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Ashurst & Son, 6, Old Jewry.—Petition filed Jan. 31.

*JOHN ANGUS HOMES*, High-street, Southwark, and Portland-cottages, Hatcham, Surrey, woollendrapers, Feb. 15 at half-past 2, and March 21 at 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Lawrance & Co., 14, Old Jewry-chambers.—Petition filed Feb. 4.

*GEORGE STEWART AMSINCK*, Frederick-street, Hampstead-road, Middlesex, common brewer, dealer and chapman, Feb. 14 at half-past 12, and March 21 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Piercy & Hawks, 15, Three Crown-square, Southwark.—Petition filed Feb. 4.

*THOMAS TURNER*, Mosbrough, Eckington, Derbyshire, grocer and flour dealer, Feb. 18 and March 25 at 12, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sol. Fernell, Sheffield.—Petition dated Feb. 1, and filed Feb. 2.

### MEETINGS.

*Wm. H. Rawlings*, Brownlow-street, Holborn, Middlesex, builder, Feb. 20 at 1, Court of Bankruptcy, London, ch. ass.—*Lesley Alexander* and *Wm. Bardgett*, Old Broad-street, London, merchants, Feb. 20 at half-past 12, Court of Bankruptcy, London, ch. ass.—*Elizabeth Chapman*, widow, Waltham Abbey, Essex, farmer, March 1 at 12, Court of Bankruptcy, London, aud. ac.—*Charles Tipple*, Baidock, Hertfordshire, apothecary, Feb. 18 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Augustus Fisher*, Mincing-lane, London, colonial broker, Feb. 18 at 12, Court of Bankruptcy, London, aud. ac.—*Wm. Cross*, Chester, lead merchant, Feb. 20 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*John Barugh*, High Holborn, Middlesex, oilman, March 1 at 2, Court of Bankruptcy, London, div.—*Henry Woolf* and *Isaac Lyons*, Cripplegate-buildings, London, umbrella manufacturers, Feb. 28 at 1, Court of Bankruptcy, London, fin. div.—*Frederick F. Cobb*, Dover, Kent, grocer, March 1 at 2, Court of Bankruptcy, London, div.—*Charles Smith*, Victoria-road, Kentish-town, Middlesex, victualler, March 1 at 11, Court of Bankruptcy, London, div.—*Richard Nott*, Bristol, iron merchant, March 3 at 11, District Court of Bankruptcy, Bristol, div.—*Wm. Pawcett*, Liverpool, merchant, March 2 at 11, District Court of Bankruptcy, Liverpool, div.

### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Eliza M' Crow*, James-street, Featherstone-street, City-road, Middlesex, linendraper, March 2 at 11, Court of Bankruptcy, London.—*Wm. Andrew*, High-street, Shadwell, Middlesex, baker, March 1 at half-past 11, Court of Bankruptcy, London.—*Charles J. Webb*, Leadenhall-street, London, silversmith, March 1 at 12, Court of Bankruptcy, London.—*J. Cudbon*, Liverpool, builder, March 1 at 11, District Court of Bankruptcy, Liverpool.

*To be granted, unless an Appeal be duly entered.*

*Charles Doudney Cray*, Southampton, grocer.—*C. Smith*, Victoria-road, Kentish-town, Middlesex, victualler.—*E. L. Green*, Bevis Marks, London, wholesale clothier.—*Frederick Freeman Cobb*, Dover, Kent, grocer.—*Frederick Francis Fox*, Cornhill, London, tailor.—*John Wilding*, Openshaw, Lancashire, boiler maker.—*Joseph Skafie*, Keighley, Yorkshire, corn miller.—*Thomas Barraclough* and *John Everitt*, Southwram, Halifax, Yorkshire, woollen spinners.

### PARTNERSHIP DISSOLVED.

*Edward Hall* and *Thomas Ridley*, Newcastle-upon-Tyne, attornies and solicitors.

## SCOTCH SEQUESTRATIONS.

*Charles Campbell*, Inverness, draper.—*Charles Hume Fawcett*, Dingwall, merchant.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Shore*, Birmingham, butcher, Feb. 25 at 10, County Court of Warwickshire, at Birmingham.—*Elizabeth Lee*, Birmingham, out of business, Feb. 25 at 10, County Court of Warwickshire, at Birmingham.—*Jos. Adams*, Canterbury, Kent, carpenter, Feb. 14 at 11, County Court of Kent, at Canterbury.—*Wm. Smith* the younger, Netley, Southampton, grocer, Feb. 17 at 10, County Court of Hampshire, at Southampton.—*Mary Coates*, widow, Bittern, South Stoneham, Hampshire, market gardener, Feb. 17 at 10, County Court of Hampshire, at Southampton.—*Henry Scott*, Godshill, Isle of Wight, Southampton, yeoman, Feb. 21 at 10, County Court of Hampshire, at Newport.—*George Jeffery*, Ryde, Isle of Wight, Southampton, greengrocer, Feb. 21 at 10, County Court of Hampshire, at Newport.—*Charles Saller*, Newport, Isle of Wight, Southampton, baker, Feb. 21 at 10, County Court of Hampshire, at Newport.—*Jas. Dawes*, Gillingham St. Mary, Norfolk, tailor, Feb. 14 at 12, County Court of Suffolk, at Beccles.—*Alfred Ashford*, Woodbridge, Suffolk, clothier, Feb. 18 at 10, County Court of Suffolk, at Woodbridge.—*David Griffiths*, Carmarthen, tailor, Feb. 21 at 2, County Court of Carmarthenshire, at Carmarthen.—*W. Moat*, Deal, Kent, shoemaker, Feb. 13 at 12, County Court of Kent, at Deal.—*Thomas Arnott*, South Shields, Durham, grocer, Feb. 23 at 10, County Court of Durham, at South Shields.—*Heath Riley*, South Shields, Durham, publican, Feb. 23 at 10, County Court of Durham, at South Shields.—*William Steers* the younger, High Wycombe, Buckinghamshire, carpenter, Feb. 14 at 11, County Court of Buckinghamshire, at High Wycombe.—*Wm. Dimmock*, Woburn, Buckinghamshire, mealman, Feb. 14 at 11, County Court of Buckinghamshire, at High Wycombe.—*Zechariah Pattison Wheeler*, Penn, Buckinghamshire, bricklayer, Feb. 14 at 11, County Court of Buckinghamshire, at High Wycombe.—*R. Smith*, Bristol, beer retailer, March 15 at 11, County Court of Gloucestershire, at Bristol.—*Geo. Dark*, Paddock, near Easton-road, Gloucestershire, cheese dealer, March 8 at 11, County Court of Gloucestershire, at Bristol.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Feb. 22 at 10, before the CHIEF COMMISSIONER.*

*John Spratt*, Sloane-street, Chelsea, Middlesex, coach maker.

*Feb. 22 at 10, before Mr. Commissioner MURPHY.*

*Thomas Tomlinson*, South Mimms, Middlesex, grocer.—*Sarah Ann Clarke*, Bishopgate-st. Without, London, out of business.—*Edward Walker*, St. Ann's-road, Rhodeswell-road, Stepney, Middlesex, beer-shop keeper.—*G. Kamester*, York-place, Hammersmith, Middlesex, contractor.—*George Banks*, Swadstone, Waltham Holy Cross, Essex, farmer.—*Henry Beane*, Munster-square, Regent's-park, Middlesex, shoemaker.

*Saturday, Feb. 4.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's Inn-fields, on giving the Number of the Case.*

*George Hawker* the younger, Wallbridge, near Stroud, Gloucestershire, in no business, No. 60,500 C.; Samuel Sturgis, new assignee; Edward Bloxsome, deceased.—*Jas. Stanton*, Westhill, St. Mary Church, Devonshire, builder, No. 77,264 C.; John Baker, assignee.

*Saturday, Feb. 4.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Harriet Hill*, spinster, Charlotte-street, Caledonian-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Paulie Emilie Chappius*, Liverpool-street,

Bishopgate-street Within, London, commission agent: in the Debtors Prison for London and Middlesex.—*Wm. Conway*, Skinners-street, Somers-town, Middlesex, coal dealer: in the Debtors Prison for London and Middlesex.—*Philip Scammell Miskin*, Carlwood-street, Vauxhall-road, Middlesex, clerk to a contractor: in the Debtors Prison for London and Middlesex.—*William Denmark*, Black Prince-row, Walworth-road, Surrey, biscuit baker: in the Gaol of Surrey.—*W. Granger*, Mount Pleasant, Clerkenwell, Middlesex, out of employ: in the Debtors Prison for London and Middlesex.—*S. Holmes*, Broadway, Ludgate-hill, London, eating-house keeper: in the Debtors Prison for London and Middlesex.—*Richard Astens*, Barnsbury-street, Islington, Middlesex, cheesemonger: in the Debtors Prison for London and Middlesex.—*T. Heatherley* the younger, Guildford-place, Exmouth-street, Middlesex, artist: in the Debtors Prison for London and Middlesex.—*J. Swains*, Battersea-marsh, Battersea, Surrey, licensed victualler: in the Queen's Prison.—*Thomas Henry Brewer*, Chrissell-road, North Brixton, Surrey, shoemaker: in the Gaol of Surrey.—*Sydney John Spyer*, Bedford-place, Russell-square, Middlesex, clerk to a merchant: in the Debtors Prison for London and Middlesex.—*Catherine Helena Lucas*, widow, Gloucester-place, Portman-square, Middlesex: in the Queen's Prison.—*Joseph Denney*, Nutford-place, Edgeware-road, Middlesex, retailer of beer: in the Debtors Prison for London and Middlesex.—*Joseph Dyne*, Archer-street, Westbourne-grove West, Middlesex, builder: in the Debtors Prison for London and Middlesex.—*John Richard Jessop*, Halifax, Yorkshire, cabinet maker: in the Gaol of York.—*David Toynes*, Sheffield, Yorkshire, butcher: in the Gaol of York.—*William F. Dewhurst*, Salford, Lancashire, greengrocer: in the Gaol of Lancaster.—*Henry Verey*, Heaton Norris, near Manchester, tailor: in the Gaol of Lancaster.—*Thomas John Hampson*, Chorlton-upon-Medlock, Manchester, warehouseman: in the Gaol of Lancaster.—*Hannah Swindells*, Hulme, Manchester, out of business: in the Gaol of Lancaster.—*Richard Cress*, Hulme, Manchester, surveyor: in the Gaol of Lancaster.—*George Nicholson*, Lees, near Oldham, Lancashire, cotton spinner: in the Gaol of Lancaster.—*Wm. Owen*, Bolton-le-Moors, Lancashire, retail glass dealer: in the Gaol of Lancaster.—*Ellen Ashton*, Hollinwood, near Oldham, Lancashire, provision-shop keeper: in the Gaol of Lancaster.—*George Cawson*, New Richmond, Pendleton, Lancashire, plasterer: in the Gaol of Lancaster.—*W. Goodwin*, Salford, Lancashire, out of business: in the Gaol of Lancaster.—*George Mercer*, Liverpool, foreman to a cigar manufacturer: in the Gaol of Lancaster.—*Thomas Bird*, Manchester, surgeon: in the Gaol of Lancaster.—*John Pellowe*, Bristol, furniture broker: in the Gaol of Bristol.—*Thomas Cuntiffe*, Leyland, near Preston, Lancashire, out of business: in the Gaol of Lancaster.—*H. Monks*, Warrington, Lancashire, ropemaker: in the Gaol of Lancaster.—*John Garratt*, Hulme, Manchester, joiner: in the Gaol of Lancaster.—*John Marshall*, Chorlton-upon-Medlock, Manchester, out of business: in the Gaol of Lancaster.—*Robert Thompson*, Durham, joiner: in the Gaol of Durham.—*Thomas Thompson*, Durham, joiner: in the Gaol of Durham.—*John F. W. Brewer*, Durham, proprietor of a gypsum mine: in the Gaol of Durham.—*George Wood*, Ash, near Sandwich, Kent, out of business: in the Gaol of Maidstone.—*Henry John Akers*, Plumsted, Kent, out of business: in the Gaol of Maidstone.—*Vernam Noon*, Radford, near Nottingham, watchmaker: in the Gaol of Nottingham.—*Jos. Searlett*, Haseley, Warwickshire, miller: in the Gaol of Warwick.—*Joseph Burton*, Stamford, Lincolnshire, out of business: in the Gaol of Lincoln.—*Richard Baker*, North Shields, Tynemouth, Northumberland, tailor: in the Gaol of Morpeth.—*James Mori*, Newcastle-upon-Tyne, cap manufacturer: in the Gaol of Newcastle-upon-Tyne.—*Richard J. S. Robins*, St. Martin's-le-Grand, London, out of business: in the Gaol of Bristol.—*E. Whittle*, North Shields, Tynemouth, Northumberland, innkeeper: in the Gaol of Morpeth.—*John Lewis*, Pentre, Llanfihangel, Abercrom, Carmarthenshire, out of business: in the Gaol of Carmarthen.—*John Hewitt*, Sheep-scar, Leeds, Yorkshire, out of business: in the Gaol of York.—*Hiram Moulton*, Little Horton-lane, near Bradford, Yorkshire, stonemason: in the Gaol of York.—*Peter Hansen*, York, out of business: in the Gaol of York.—*John Fawcett*, Huddersfield, Yorkshire, currier: in the Gaol of York.—*John Cockcroft*, Bradford, Yorkshire, out of business: in the Gaol of York.—*James A. Black*, Wakefield, Yorkshire, attorney-at-law: in the Gaol of York.—*Joseph Temple*, Leeds, York-

shire, out of business: in the Gaol of York.—*Edward Rodley*, Morley, near Leeds, Yorkshire, cloth manufacturer: in the Gaol of York.—*Wm. Thornton*, Bottom, near Huddersfield, Yorkshire, brick manufacturer: in the Gaol of York.—*George Turner*, Lydgate, near Holmfirth, Yorkshire, out of business: in the Gaol of York.—*G. T. Condy*, Ipswich, Suffolk, attorney-at-law: in the Gaol of Ipswich.—*George Thorold*, Marston, near Grantham, Lincolnshire, schoolmaster: in the Gaol of Lincoln.—*Isaac Pearce*, Cambridge, guano merchant: in the Gaol of Cambridge.—*Edwin Bancroft*, Sheffield, Yorkshire, bookkeeper: in the Gaol of York.—*Bridget Connor*, York, out of business: in the Gaol of York.—*John Wainwright*, York, out of business: in the Gaol of York.—*John Cockfield*, Kirby, Ravensworth, near Richmond, Yorkshire, farmer: in the Gaol of York.—*Thomas Cooke*, Thurmaston, Leicestershire, out of business: in the Gaol of Leicester.

(On Creditor's Petition).

*L. Crowther*, Bitterley, Shropshire, spinster: in the Gaol of Shrewsbury.—*H. B. W. Hillcoat*, Liverpool, clerk: in the Gaol of Lancaster.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Feb. 21 at 10, before Mr. Commissioner MURPHY.*

*Wm. Wall*, Exeter-street, Strand, Middlesex, fruit salesman.—*G. Flynn*, London-road, Southwark, Surrey, out of business.

*Feb. 22 at 10, before the CHIEF COMMISSIONER.*

*Wm. Trutch*, Rupert-street, Haymarket, Middlesex, not in any trade.—*John Wake*, Luton, Bedfordshire, confectioner.

*Feb. 23 at 11, before Mr. Commissioner PHILLIPS.*

*Elizabeth Grayson*, widow, Langport-place, Camberwell New-road, Surrey, laundress.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Warwickshire, at WARWICK, Feb. 20 at 10.*

*Jehu Baker* the elder, Birmingham, bailiff's assistant.

*At the County Court of Warwickshire, at COVENTRY, Feb. 22 at 12.*

*John Garlick*, Birmingham, builder.—*John A. Wilson*, Birmingham, accountant.

*At the County Court of Carmarthenshire, at CARMARTHEN, Feb. 22 at 10.*

*Wm. Davies*, Carmarthen, licensed victualler.—*J. Lewis*, Pentre, near St. Clears, Llanfihangel, Abercromby, out of business.—*Henry Marsden*, Talyfedw, Pencarreg, foreman to a cattle dealer.

*At the County Court of Wiltshire, at SALISBURY, Feb. 22 at 11.*

*John Rossiter*, Westbury Leigh, clothier.

*At the County Court of Northumberland, at MORPETH, Feb. 24 at 10.*

*Richard Baker*, North Shields, tailor.—*Richard Whittle*, North Shields, innkeeper.

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# The Jurist

No. 893—VOL. XVIII.

FEB. 18, 1854.

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LONDON, FEBRUARY 18, 1854.

PARLIAMENT appears likely this year to discuss several legal measures of great importance—the testamentary jurisdiction; the law of succession to real estate; and the establishment of public prosecutors; and we hope will be added the establishment of an appeal on all points in criminal matters. On the first we have in these pages offered some remarks, and shall again when the measure begins to progress. Our present business is, however, with the law of succession to real estate, and the public prosecutors bill. Of the proposition for the latter, it seems to us that nothing but approbation can exist in any but the felonial mind of the country; the principle of it is obviously just and proper. Not merely is it a fiction of the law, but a reality of jurisprudence, that the wrong done by a criminal act is a wrong to the State, which it is the interest and duty of the State to repress, not leaving its punishment to the personal irritation or revenge of the particular member of the State who suffers the injury; and accordingly

every one, who is the victim of a criminal offence, ought, according to law, to prosecute for it—not for his personal injury, but on behalf of society generally. But unfortunately, in practice, the State contenting itself with laying down the theory, and giving as little assistance as possible to individuals in carrying it out, beyond providing magistrates and a police, the result is, that in the vast majority of cases of petty offences, and in a very great number of cases of a grave kind, the victim of the offence finds it far better to content himself with quietly bearing the evil he has suffered, than to become further a victim to society, by offering, at his own expense and loss of time, to play the part of public prosecutor. It may be the indication of a low state of patriotism, but it is at any rate a fact, that the feeling with most men—the avowed maxim with many—is, let society take care of itself, and do not expect me, an individual, to sacrifice for it my time, money, and comfort. Public prosecutors, paid by the State to do the work of society which individuals will not do, are therefore an absolute necessity, and we rejoice greatly to see the measure brought forward. There may be a little difficulty about the details, but that will be easily overcome.

Of the other proposition, that for abolishing the law of primogeniture, as it is termed, we cannot say we entertain quite so favourable an opinion. The mode of devolution of property to be adopted in any country is, no doubt, entirely a matter of convenience and arrangement, and one mode of devolution may be fitting in a certain period of the civilisation of a country, and very unfitting at another; but before

proceeding to alter the law, the public should at least have a clear conception of what it really is. Now, when, what is called in political rather than legal language, the law of primogeniture is discussed, the very general idea is, that it is some law *compelling* the descent of land to the eldest son; and because people see that nearly all the great estates in the country do go, on the death of the father, to the eldest son, they have an idea that at any rate, as regards the estates of the nobility, such devolution is the compulsory act of the law. Every lawyer knows of course, and, were it not from the hope that these pages may occasionally stray into the hands of some democratic layman, we should not here repeat, that the descent of land to the eldest son, by law, is the exception; that it only takes place where the owners have not by contract made other arrangements; that every owner of unsettled and unfettered land may do what he likes with it—give it to his youngest son, or to his youngest daughter, or to all of them, if he pleases; that the devolution to the eldest son, so constantly seen in great estates, is entirely the work of the parties by contract and arrangement; and that, so far from land being obliged to go to the eldest son for ever and ever, no land can be fettered for more than a given and not very long period.

The question is, as we have said, one of convenience; and then the consideration is, whether the law, being such that the owner of land can, if he thinks fit, dispose of it among all his children, or settle it on the eldest son, with such qualifications as he likes, or *let* it descend to him if he likes—the consideration is, we say, whether, with regard to this kind of property, the doctrine of *laissez faire* is not as applicable as it is to commercial property.

Great landowners are not obliged to keep their estates undivided, but they almost always do so. The inference is, that they prefer that course of succession; and why should they not, if they find or think that a convenient arrangement of property, be left so to deal with it? We assume, of course, that a part of the proposition to abolish the existing law of descent is to substitute some compulsory partition, analogous to that required by the French law; for if all that is done is to repeal the law of *descent* to the eldest son, and substitute an equal division by descent, not interfering with the power of settling by deed or will, such a change would be quite idle—the result would be simply a few more wills and settlements. The tendency of owners of considerable estates in this country is obviously to keep them together. They will do so if not prevented; and they will only tie up their estates more frequently by settlement, if they know that by leaving them to descend according to law, they will be split and severed.

### THE STATUTE-LAW COMMISSION.

MR. BULLENDEN KER has recently made a second report on the proceedings of the Board for the Revision of the Statute Law, in which he has reproduced rather more in detail the views sketched out in his first report; and as the Lord Chancellor seems to be satisfied with Mr. Ker's proceedings and plan, and has announced the preparation by the board of a series of bills, it will be important to see what the results really are which have been arrived at by the board, or rather by the chief commissioner, whose views are by no means coincident in all points with those of his colleagues.

The processes for consideration are—1. The revision of the statutes, to ascertain what are repealed or obsolete, and what in force. 2. The digestion of their contents, not as a legislative measure, but as affording the basis of legislation. 3. The preparation of consolidated and amended statutes, based on such a digest.

A revision of the statutes, Mr. Ker thinks, is demanded by many who do not know very clearly what they are asking. The real statute-book—the rolls of Parliament—are an historical collection, containing the laws of past ages as well as the existing laws; and to which, of course, it is no reproach that it is what it is and pretends to be. The printed editions of the Statutes at Large, as they are called, contain much that is useless for practical purposes; but they are private speculations, and Mr. Ker thinks that such publications should be left to private enterprise—on the general *laissez faire* principle now so much in fashion. Unauthorised by Parliament, a Government compilation, professing to shew the statutes in force, would have no peculiar value; and here we agree with Mr. Ker, but we think he is talking quite beside the purpose when he says, that an edition enacted by Parliament, declaring both affirmatively and negatively that those, and those only, are the statutes now in force, is quite impracticable, and would be of little use if it could be done. No doubt that would be so if the work were to stop there; but, as we shall have occasion to shew presently, such a revision of the statutes is, in our opinion, the essential and only practical basis of a thorough amendment of our statutes. For the same reason, we can see no pertinency in the distinction taken by Mr. Ker between expired and repealed acts. It is illogical to repeal an expired act; but who proposes to do so? All that is wanted is an authoritative declaration that such and no other statutory enactments are for the time being in force.

With respect to digestion, Mr. Ker observes, that though that is with every draftsman a necessary preliminary process to consolidation, “it does not follow that it is desirable actually to make a complete digest of the existing law, merely as an intermediate stage, before commencing the final process of consolidation, which is the only one really important, because it is the only one which really implies any *improvement* of the existing law; for the revision of the statutes, as already observed, implies only a publication, not authenticated, (except in the limited sense of a repeal of obsolete and doubtful statutes); a digest also implies only a publication; while I apprehend that your Lordship's great and immediate object is, to be provided with materials for *direct legislative action* towards the improvement of the statute law.”

No doubt the Lord Chancellor would be glad to have some result to *shew* as soon as possible; but we apprehend that he would more gladly submit to labour in obscurity for a few years, if he could thereby insure the permanent amendment, not merely of our present statute law, but of our legislative practice. Let us see if anything tending to this result is proposed. Mr. Ker says:—

“Having thus stated my reasons for not recommending certain measures, I now proceed to state what are the measures which I do recommend; and, after the best consideration that I have been able to give to the subject, I think the course most feasible and most practically conducive to the desired result of an improved state of the statute law is the gradual consolidation, or, as I would rather call it, the re-writing of the statute law—combining, of course, with such consolidation or re-writing all such improvements of the law as can be suggested; in short, continuing a process which has for a long period been applied to isolated subjects, and in a desultory way—always, however, with the most marked advantage—but more rapidly, more carefully, and in a more uniform manner, and with more particular regard to the clear abrogation of all the previous statute law on the same subject. As fast as this process is performed, with reference to any branch of the law which is the subject of a group of statutes, the two other processes mentioned by your Lordship's me-

morandum will have been effectually performed also—that is, a digest will have been actually or virtually made, and, in the course of framing the act, used and become unnecessary, and all the uncertainties which could be noticed on a revision will have been cleared up. Perhaps the foregoing proposal may appear no great matter to those who have been expecting something new and great and comprehensive, which was to relieve the public at once of those thirty-nine quarto volumes, and all the other annoyances of which complaints are so common. My answer to any one who should express any such disappointment would be, that it is something to have ascertained clearly that there is nothing new or great or comprehensive to be done. Vague language, both in speaking of the inconvenience of the present state of the law, and of the remedies to be brought to it, has been one, and not the least, of the causes which have hitherto deterred practical and moderate men from attempting to effect improvements; and if I have proved that the old and known course is also the best, if not the only course that admits of being practically pursued, I have at any rate proved something which was not universally felt or admitted before.”

In support of this proposal, Mr. Ker observes—first, that it is useless to propose any work which is not of such a nature and in such a form that it can hope to pass through Parliament, according to its present constitution and usages; secondly, that a scientific analysis of the law would not afford facilities either to the public for reference and use, or to the Legislature for appeal; that to keep rights and remedies distinct, as has been suggested, the whole law must be recast; and gradual amendment, in the way proposed by Mr. Ker, would be impracticable. But this last remark is not, we presume, offered as an argument in favour of Mr. Ker's plan.

“The law,” says Mr. Ker, “must be in such a form that it may be altered by isolated bills in any particular, and by bills which may be themselves discussed, altered, partially abandoned in their progress through the House, &c.; and any classification so abstract that the results of such alterations or abandonments in the course of debate could not be seen with tolerable clearness and ease, would be an obstruction to the course of business, and bills would be passed in defiance of such a classification. I imagine that those who advocate any such classification as I have alluded to unconsciously reserve to themselves a power of treating all new acts of Parliament merely as resolutions or instructions from which they themselves are to make the necessary alterations in their statutory code. It is obvious that nothing of this kind is practicable without an entire change in the mode of passing bills; and the arrangement of the law must therefore be such that the laws passed by future Parliaments, in the way in which we know they will and must be passed, whether well or ill drawn, will not be absolutely incapable of amalgamating with the old.”

Mr. Ker must be speaking ironically when he deprecates a classification “so abstract that the result of alterations or abandonments in the course of debate could not be seen with tolerable clearness and ease.” If obscurity and difficulty, instead of clearness and facility, were the incidents of classification, the present practice of passing bills and amendments, of which neither the framers nor the legislators see the results, must surely be a good preparation for legislating on a classified statute-book.

We find it difficult to reconcile Mr. Ker's denial of the practicability of a consolidation of the whole of our statute law at once with his recognition of the complete success of a similar experiment in America. The state of the statute law and the constitution and usages of the Legislature of New York, at the time when the revised statutes of New York were passed, were not so

widely different from those now existing as to allow of a consolidation which would be impracticable in the one state, being readily effected in the other. Mr. Ker says in his first report, that “the state of New York, having long felt the necessity of a revision of their statutes, which were in a great degree similar to those in this country, a commission was issued, and a very successful revision and consolidation of the statutes was effected. . . . The whole revised statutes, containing the reports of the commissioners, is printed in three moderate-sized octavo volumes;” and the same thing has been done in the state of Massachusetts. Whether the New York commissioners performed their task well or ill, and whether experience has shewn, or will shew, that they acted wisely, when “in numerous instances they reduced the rules of the common law to a text, and inserted them in their proper place in connexion with the statutory provisions on the subject to which they relate,” is not material to the present question. The examples of New York and Massachusetts prove that the consolidation of the whole statute law of a country may be effected consistently with the forms and usages of a constitutional legislature.

Mr. Ker says—“I have requested Mr. Rogers to draw up a paper containing a statement of the several groups of statutes which relate to the same subject, and which he conceives may be properly embodied in separate consolidation acts. This statement, although it is not of course to be considered as complete, is very useful, as shewing the present state of the statute-book, and the probable advantage which would arise from the process of consolidation. This paper is subjoined, and I think will shew the great and accurate knowledge possessed by Mr. Rogers of the whole contents of the statute-book. Another paper, on the consolidation or revision of the statutes relating to property, entering into greater detail than the nature of Mr. Rogers's paper admits of, is in course of preparation by myself and Mr. Brickdale, and will be presented to your Lordship with my next report.”

The paper by Mr. Rogers is a kind of index to the general acts, without the references, but stating the number of acts on each subject, arranged alphabetically, in subdivisions, under the following general heads:—“The Crown and Parliament,” “Finance,” “Public Economy,” “Rights of Private Persons,” “Persons under Disabilities,” “Administration of Civil Justice,” “Criminal Law,” “Administration of Criminal Justice,” and “Religion.”

Mr. Rogers calls this table “An Analysis of the Public General Acts.” It has no claim to that title. Analysis, in relation to the subject in hand, means a pulling to pieces for the purpose of re-arrangement, and a systematic re-arrangement of the results. Here is neither a pulling to pieces nor a re-arrangement. The subjects of the various acts are taken in the concrete, as they have been taken by the Legislature, and indexed. Systematic arrangement in such a proceeding was impossible. Accordingly we find “Education, Science, and the Fine Arts,” a subdivision of the head “Public Economy;” while there is, widely removed in the table, a distinct head of “Religion.” The latter head includes the subjects of Dissent, Tithes, and Leases of Church Lands; while Herey and Roman Catholic Relief are placed under “Criminal Law;” the Land Tax under “Finance;” County Rates under “Public Economy;” and Alienation under “Rights of Private Persons.” Again: the Customs, the Post-office, &c. are subdivisions of “Finance;” but Offences against the Customs and Post-office Laws are classed under “Criminal Law.” With respect to debtor and creditor, we find Benefit Building Societies, Industrial and Provident Institutions, Insurance and Joint-stock Companies, under “Public Economy;” Fraudulent Assurances and Mortgages under “Rights relating to



*Real Property;* Bills of Exchange, Bonds, Contracts, Debts, and Usury, under "Rights relating to Personal Property;" Bankruptcy under "Persons under Disability;" and Insolvent Debtors and Judgments under "Administration of Civil Justice." It is not on such a classification as this that any plan for the permanent improvement of the statute law can be founded. If we had nothing to deal with but the existing statutes, the arrangement, bad as it is, might be tolerable. But as the moral perceptions and requirements of a nation are continually changing, and the law is being continually altered in accordance with them\*, we must provide for development as well as present arrangement. The bankrupt law was consolidated after a fashion by the stat. 6 Geo. 4, c. 16, but no provision was made for its future amendment on any systematic plan; and the consequence was, that, in a short time, successive amending and altering statutes again reduced the bankrupt laws to such a state of confusion, that even the wretched "Bankrupt-law Consolidation Act, 1849," was accepted as an improvement. No provision can be made for the systematic revision of any consolidation act that is not part of a previously settled and complete arrangement of the law; for in classification, though we begin with particulars, we must from them ascend to generals, and then come back to details before any two particulars can be rightly placed with regard to each other.

Mr. Ker's scheme of a succession of consolidation acts, on subjects taken at random from the "Analysis" of Mr. Rogers, would indeed furnish perpetual employment to a permanent board of commissioners, but it would not redeem the Lord Chancellor's promise, nor answer the just expectations of the Profession. Such a work might go on for ever, without in the least tending to a rational arrangement of the subjects of legislation. It has been shewn by Mr. Coode, and may be assumed as an axiom, that the only way to prevent the statute law, once arranged, from getting into confusion, is to have the entire codex or statute-book perpetually under revision by the Legislature. Whenever an alteration is made, it must be made by the way of elision and substitution—the old matter must be erased, the new put into its place. It is impossible to do this until the whole matter has been arranged on such a system as to leave no room for doubt as to the proper and exact place for every provision, however minute—a system like that adopted by Mr. Coode in preparing the digest of the poor laws, of which he says, "It contains about 7400 articles. In reducing them to the systematic order and expression here recommended, I may be allowed to say, that, anomalous and absurd as a great part of the matter is, *there was in no instance the least occasion for doubt or difficulty as to either the order of any article, or its expression.*" In digesting, a few years ago, into 873 articles, the heterogeneous matter known as the Penal or Criminal Law, there was no more occasion of doubt or difficulty." For example, it has been thought fit at various times to require certain solemnities to particular contracts, or acts affecting private rights; and the result has been a great diversity of statutory requisitions, without any common principle to justify that diversity. Some contracts and some acknowledgments of right must be in writing, signed by the principal only; others may be signed by the principal or his agent. The old Copyright Acts required licenses to be in writing, attested by two witnesses, but were silent as to assignments. Alienations for charitable purposes must be by indenture, attested by two witnesses, and inrolled. Alienations by tenants in tail must be inrolled. The assignment of ships is subject to peculiar regulations: registration is required for the

protection of purchasers in some cases, not in others. Certain warrants of attorney are void, unless executed and attested in a special manner. Consents to judges' orders, having the same effect, are under no such statutory restriction. The object of each of these provisions is either the protection of the actor from inadvertence or fraud, the publication of the act, or the preservation of evidence of it; and in a well-devised (and therefore well-arranged) statute-book they would all be found together, and not scattered here and there, as Mr. Rogers would have them, under such heads as "Contracts relating to Lands," "Contracts relating to Goods," "Copyright," "Patents," "Ships," "Mortmain," "Limitations," "Fines and Recoveries," "Judgments," "Wills," &c. The consequence of putting the statute-book into systematic order, and keeping it so, would be, that every amendment of the law, instead of being partial, as it now invariably is, would be necessarily extended and adopted to the full extent of the principle involved in it.

For these reasons we utterly dissent from Mr. Ker's proposal, and deny his assertion that a more scientific plan would fail in practice. Whether the present commissioners, or any of them, are or is competent to devise and carry into effect a rational and complete arrangement of the statute law, is a question with which we have nothing to do; but we are quite certain that the task is not beyond the power of any lawyer who has been trained to habits of accurate analysis, and that when it is performed the result will be far more intelligible to the Legislature and to the public than any consolidation bill that has yet been prepared or is likely to be prepared on Mr. Ker's plan. Let the Government only offer a prize of 1000*l.*, and the prospect of a commissionership, for the best analysis of the existing statute law, and we will promise them the agreeable dilemma of having to choose between a dozen analyses, all undeniably sufficient and complete, identical in every essential—differing only in unimportant particulars of terminology and style. The thing is as easy and certain as any operation in the mathematics.

### London Gazette.

FRIDAY, FEBRUARY 10.

#### BANKRUPTS.

GEORGE COODE, late of Haydock Lodge, Winwick, Lancashire, proprietor of a lunatic asylum, and boarding and lodging house keeper, and New Oxford-street, and now of Victoria-street, Westminster, Middlesex, patent irrigator and hose manufacturer, Feb. 21 at half-past 1, and March 28 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Hill & Matthews, 1, Bury-court, St. Mary-axe.—Petition filed Nov. 19.

WILLIAM TOOVEY ASHFIELD, Church-street, Lambeth, Surrey, lithographic and copper-plate printer, trader, dealer and chapman, Feb. 22 at half-past 2, and March 21 at half-past 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Moss, 23, Moorgate-street, City.—Petition filed Feb. 8.

JOHN COX, formerly of New-road, Lower-road, Rotherhithe, then of Wimbledon-park-road, Wandsworth, then of Mansel Villas, Wimbledon, and lately of Bridgefield Villa, Wandsworth, and now a prisoner in the Queen's Prison, Surrey, builder, dealer and chapman, (formerly in partnership with John Foster, carrying on the business of builders at New-road, Lower-road, Rotherhithe, under the style or firm of Foster & Cox), Feb. 17 and March 24 at half-past 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Wilson, 16, Gresham-street, London.—Petition dated Feb. 8.

RICHARD GEORGE DIAMOND, Newton Abbott, Devonshire, stationer and publisher, dealer and chapman, Feb. 21 and March 14 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Stogdon, Exeter.—Petition filed Feb. 2.

\* See Professor Foster's recent and very able work, Elements of Jurisprudence, Lecture 6.



**JOSEPH CARTER**, Gloucester, scrivener, bill broker, dealer and chapman, Feb. 27 and March 27 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Bevan & Girling, Bristol.—Petition filed Feb. 8.

**ROBERT HAMMOND**, Ripon, builder, dealer and chapman, Feb. 23 and March 24 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Barr & Nelson, Leeds; Hindle, Ripon.—Petition dated Feb. 7.

**JOHN ROBERT GIBSON**, Waterloo, near Liverpool, innkeeper, victualler, dealer and chapman, Feb. 22 and March 16 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sol. Hinde, Liverpool.—Petition filed Feb. 6.

**JOSEPH ELLIS**, Ardwick, near Manchester, joiner and builder, Feb. 23 and March 16 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sol. Blair, Manchester.—Petition filed Jan. 31.

**THOMAS WORSLEY**, Macclesfield, Cheshire, clog and patten maker, dealer and chapman, Feb. 24 and March 17 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Neild, Manchester; Hodgson, Birmingham; Sole & Co., 68, Aldermanbury, London.—Petition filed Jan. 23.

#### MEETINGS.

**Wm. H. Dee**, Cambridge, plumber, Feb. 21 at 2, Court of Bankruptcy, London, pr. d.—**James H. Gibbons**, Wood-st., Cheapside, London, straw hat warehouseman, Feb. 22 at 1, Court of Bankruptcy, London, last ex.—**Charles C. Hamilton**, Little Queen-street, Lincoln's-inn-fields, Middlesex, ironmonger, Feb. 21 at half-past 11, Court of Bankruptcy, London, last ex.—**John Collins**, Beccles, Suffolk, plumber, Feb. 20 at 12, Court of Bankruptcy, London, aud. ac.—**Frederick F. Cobb**, Dover, Kent, grocer, Feb. 22 at 1, Court of Bankruptcy, London, aud. ac.—**Wm. W. Bonney** and **Thomas F. Beales**, William-street, Knightsbridge, Middlesex, wine merchants, Feb. 22 at 12, Court of Bankruptcy, London, aud. ac.—**Albert Hardwick**, Windsor, Berkshire, linendraper, Feb. 28 at 12, Court of Bankruptcy, London, aud. ac.; March 7 at 2, div.—**Thomas Speed** the elder, Liverpool, butcher, Feb. 24 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—**John Meredith**, Tattenhall, Cheshire, maltster, Feb. 24 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; March 3 at 11, div.—**William Fawcett**, Liverpool, merchant, Feb. 23 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—**Joshua Taylor**, Manchester, power-loom cloth manufacturer, Feb. 22 at 12, District Court of Bankruptcy, Manchester, aud. ac.—**Richard Jackson** and **Richard Yale**, Leeds, Yorkshire, engineers, Feb. 23 at 11, District Court of Bankruptcy, Leeds, aud. ac.—**Thos. Avison**, Leeds, Yorkshire, stone merchant, Feb. 23 at 11, District Court of Bankruptcy, Leeds, aud. ac.—**James Ibbelton**, Bradford, Yorkshire, bookseller, Feb. 23 at 11, District Court of Bankruptcy, Leeds, aud. ac.—**John Henry Whitfield** and **Francis Lyth**, York, builders, March 6 at 11, District Court of Bankruptcy, Leeds, aud. ac.; at half-past 11, div.—**George Field**, Bond-court, Walbrook, London, packer, March 3 at 12, Court of Bankruptcy, London, div.—**Isaac Unwin**, Poland-st., Oxford-st., Middlesex, builder, March 3 at 11, Court of Bankruptcy, London, div.—**Alfred Dawson**, Charles-st., Mile-end New-town, Middlesex, engineer, March 3 at 11, Court of Bankruptcy, London, div.—**Charles Lowe Meales**, Conduit-street, Hanover-square, Middlesex, grocer, March 4 at 11, Court of Bankruptcy, London, div.—**Thos. Linnell**, Gresham-street, London, commission agent, March 4 at half-past 11, Court of Bankruptcy, London, div.—**Wm. Abram Cogar**, Newgate-st., London, and Quadrant, Regent-street, Middlesex, shoe dealer, March 4 at 11, Court of Bankruptcy, London, div.—**Robert Pace** the elder, Liverpool, shipowner, March 6 at 11, District Court of Bankruptcy, Liverpool, fin. div.—**Richard Foster Breed** and **William Eccleston**, Liverpool, merchants, March 3 at 11, District Court of Bankruptcy, Liverpool, div.—**J. German Harrison**, Liverpool, dealer in locks, March 3 at 11, District Court of Bankruptcy, Liverpool, div.—**Joseph Wood Ackroyd**, Bradford, Yorkshire, worsted spinner, March 3 at 11, District Court of Bankruptcy, Leeds, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

**Samuel Buckley**, Macclesfield, Cheshire, miller, March 3 at 12, District Court of Bankruptcy, Manchester.—**Jonathan Roebuck**, Austonley, Yorkshire, woollen-cloth manufacturer,

March 3 at 11, District Court of Bankruptcy, Leeds.—**Joseph Greenwood**, Spring Head, Keighley, Yorkshire, woolstapler, March 3 at 11, District Court of Bankruptcy, Leeds.

*To be granted, unless an Appeal be duly entered.*

**James Bohn**, St. James's-st., Middlesex, bookseller.—**John Ready**, Holywell-st., Shoreditch, Middlesex, oilman.—**Robert Jeffery**, Upper North-place, Gray's-inn-road, Middlesex, coachmaker.—**John Hunter**, Hove, Sussex, cowkeeper.—**E. Cox**, Great Queen-st., Lincoln's-inn-fields, Middlesex, plane manufacturer.—**Geo. Bolton**, Albany-st., Regent's-park, Middlesex, coach maker.—**John Roberts**, Tivdale, Worcestershire, wire drawer.—**Henry Bolt**, Birmingham, silversmith.

FIAT ANNULLED.

**James Spencer Gorely**, Ewell, Surrey, farmer.

PARTNERSHIP DISSOLVED.

**Wm. Taunton** and **Chas. John Blount**, Worcester, attorneys-at-law and solicitors.

SCOTCH SEQUESTRATIONS.

**Lewis Rose**, Tain, general agent.—**A. & T. Paterson**, Glasgow, builders.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

**J. Longhurst**, Sunninghill, Berkshire, innkeeper, March 1 at 12, County Court of Surrey, at Chertsey.—**Jas. Cox**, Macclesfield, Cheshire, fishmonger, March 2 at 11, County Court of Cheshire, at Macclesfield.—**John Goldthorpe**, Macclesfield, Cheshire, draper, March 2 at 11, County Court of Cheshire, at Macclesfield.—**John Luck Overy**, Rye, Sussex, out of business, Feb. 27 at 12, County Court of Sussex, at Rye.—**Elizabeth Wilson**, widow, Kidderminster, Worcestershire, baker, Feb. 22 at 10, County Court of Worcestershire, at Kidderminster.—**John H. Payn**, Canterbury, Kent, out of business, Feb. 14 at 11, County Court of Kent, at Canterbury.—**Wm. Spence**, Northampton, stationer, March 8 at 11, County Court of Northamptonshire, at Northampton.—**Wm. Webb**, York, joiner, Feb. 27 at 10, County Court of Yorkshire, at York.—**Jonas Smith**, Norwich, shoemaker, Feb. 24 at 10, County Court of Norfolk, at Norwich.—**Daniel Cocks**, Catton, Norfolk, publican, Feb. 24 at 10, County Court of Norfolk, at Norwich.—**Jacob Shimman**, Great Yarmouth, Norfolk, dealer in tea, Feb. 28 at 10, County Court of Norfolk, at Great Yarmouth.—**John Baker**, Hay, Brecknockshire, innkeeper, March 3 at 11, County Court of Brecknockshire, at Hay.—**John Walker**, Bury St. Edmund's, Suffolk, baker, Feb. 20 at 10, County Court of Suffolk, at Bury St. Edmund's.—**Rev. Wm. R. Browne**, Kingston, clerk, Feb. 24 at 11, County Court of Hampshire, at Portsmouth.—**R. Yeates**, Swansea, Glamorganshire, out of business, Feb. 14 at 10, County Court of Glamorganshire, at Swansea.—**Benjamin Pugh**, Old Hill, Rowley, Staffordshire, beer retailer, Feb. 24 at 9, County Court of Worcestershire, at Dudley.—**John H. Davies** the younger, Bridgend, Glamorganshire, assistant grocer, Feb. 15 at 10, County Court of Glamorganshire, at Bridgend.—**Thos. Coates**, County Prison of Gloucester, turnkey, Feb. 28 at 10, County Court of Gloucestershire, at Gloucester.—**E. Jackson**, Gloucester, licensed victualler, Feb. 28 at 10, County Court of Gloucestershire, at Gloucester.—**James Husband**, Huntley, Gloucestershire, surgeon's assistant, Feb. 28 at 10, County Court of Gloucestershire, at Gloucester.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Feb. 24 at 10, before the CHIEF COMMISSIONER.*

**Chas. J. Ascoli**, Tryphena-place, Bow-common, Bromley, Middlesex, wheelwright.—**Thomas Lane**, Kent-street, Southwark, Surrey, eating-house keeper.

*Feb. 25 at 11, before Mr. Commissioner PHILLIPS.*

**Wm. H. C. Adams**, Quickset-row, New-road, Middlesex, tailor.—**Edwin Johnson**, Albany-street, Regent's-park, Middlesex, out of business.—**Robert D. Christmas**, London-road, Southwark, Surrey, surgeon.

*Feb. 27 at 10, before the CHIEF COMMISSIONER.*

**Wm. W. Baker**, Circassian-place, Ealing, Middlesex, out of business.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Feb. 24 at 11, before the CHIEF COMMISSIONER.*

*Humphrey Stevenson*, Maria-street, Pearson-street, Kingsland-road, Middlesex, linendraper.—*Samuel Knight*, Fore-street, London, cheesemonger.—*John T. J. English*, Strand, Middlesex, captain in her Majesty's 1st West India Regiment of Infantry, on full pay.—*W. Granger*, Mount-pleasant, Clerkenwell, Middlesex, out of business.—*Emanuel Winsor*, Pyrcroft, Chertsey, Surrey, fellmonger.

*Feb. 24 at 10, before Mr. Commissioner MURPHY.*

*P. E. Chappuis*, Liverpool-street, Bishopsgate, London, manager to a patent daylight reflector manufacturer.—*R. Astens*, Barnsbury-street, Islington, Middlesex, cheesemonger.—*G. Soper*, Great Guildford-street, Holland-st., Blackfriars, Surrey, linendraper.—*Thomas Beesley*, Bay-street, Mayfield-road, Dalston, Middlesex, accountant's clerk.—*G. W. Tye*, Branch-place, Hoxton Old-town, Middlesex, out of business.—*Wm. Henry Howe*, New Park-street, Southwark, Surrey, lodging-house keeper.

*Feb. 25 at 11, before Mr. Commissioner PHILLIPS.*

*James Ball*, Lambeth-hill, Thames-st., London, stationer.—*P. S. Miskin*, Charlwood-street, Vauxhall-road, Westminster, Middlesex, clerk to a carman.—*S. Holmes*, Broadway, Ludgate-hill, London, eating-house keeper.

*Feb. 27 at 11, before the CHIEF COMMISSIONER.*

*Sydney John Spyer*, Bedford-place, Russell-square, Middlesex, clerk to a merchant.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Gloucestershire, at GLOUCESTER, Feb. 28.*

*Thomas Blunn*, Clifford Chambers, saddler.

*At the County Court of Yorkshire, at YORK, Feb. 27.*

*William Dickinson*, Pontefract, joiner.—*Frank Beatson*, Sheffield, brass turner.—*John Thorpe*, Sheffield, out of business.—*William Wigglesworth*, Bradford, hairdresser.—*John Leake*, Balkholme, near Howden, nail-bag manufacturer.—*Wm. Thornton*, Bolton, near Huddersfield, whiting manufacturer.—*George Turner*, Lidgate, near Holmfirth, out of business.—*G. Grest*, Middlesbrough-on-Tees, licensed victualler.—*Henry Weatherill*, York, out of business.—*Thomas Tate Smith*, New Malton, licensed retailer of ale.

*March 1, at the same Place.*

*Thomas Midgley*, Thornton, near Bradford, woolcomber.—*John Richard Jessop*, Halifax, cabinet maker.—*John Greenwood*, Briggate, Leeds, out of business.—*Charles Butterfield*, Kirkgate, Leeds, out of business.—*James Alexander Black*, Wakefield, attorney-at-law.—*David Toyne*, Sheffield, butcher.—*John Hewitt*, Sheepscar, near Leeds, out of business.—*Edward Rodley*, Morley, near Leeds, cloth manufacturer.—*Hiram Moulson*, Little Horton-lane, near Bradford, stonemason.—*John Cockcroft*, Bradford, out of business.—*Joseph Temple*, Leeds, out of business.—*Matthew Gaunt*, Dewsbury, out of business.—*John Wainwright*, York, out of business.—*Edwin Bancroft*, Sheffield, bookkeeper.—*John Cockfield*, Kirby, Ravensworth, near Richmond, farmer.—*Peter Hansen*, Middlesbrough-on-Tees, mariner.—*John Fawcett*, Huddersfield, currier.—*Joseph Smith*, Sheffield, out of business.—*Joseph Lightowler*, Knottingley, near Ferrybridge, lime burner.—*Bridget Connor*, York, out of business.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Solomon Harvey*, saddler, Old Church-street, Paddington, Middlesex, schoolmaster: 1s. 3d. in the pound.—*John H. Marshall*, Great Winchester-street, London, chief engineer in the Royal Navy: 3s. 3d. in the pound.—*Frederick Holder*, Arandell-street, Coventry-street, Haymarket, Middlesex, lieutenant in the British Army: 11½d. in the pound.—*R. Gillow*, Liverpool, currier: 2s. 1½d. in the pound.—*Joseph Searle*, Brentwood, Essex, attorney-at-law: 8½d. in the pound.—*John Gaskell*, St. Helen's, Lancashire, provision dealer: 1s. 8d. in the pound.—*Jeremiah Whittington*, Landport, Portsea, Hampshire, baker: 1s. 7½d. in the pound.—*Frederick W. L. Stockdale*, Manor-place, Walworth, Surrey, author: 3s. 1d. (making 18s.) in the pound.—*John P. Cooper*, Bilston, Staffordshire, chemist: 1s. 7½d. in the pound.—*Richard Lewis*, Trafalgar-square, Stepney, Middlesex, clerk in the General

Register and Record Office of Seamen: 4s. 1d. (making 10s. 4½d.) in the pound.—*David Wingfield*, Raecombe, near Stroud, Gloucestershire, lieutenant on half-pay: 1s. 5d. in the pound.

*Apply at the Provisional Assignees' Office, Portugal-street, Lincoln's-inn-fields, London, between the hours of 11 and 3.*

[From the Dublin Gazette of Jan. 20, 1854.]

#### COURT FOR RELIEF OF INSOLVENT DEBTORS IN IRELAND.

*The following Prisoner is ordered to be brought up before the Court, in Dublin, Feb. 25 at 11, to be dealt with according to the Statute:—*

*Arthur John Robinson*, Annesfield, otherwise Belough, Roscommon, brewer.

TUESDAY, FEBRUARY 14.

#### BANKRUPTS.

**WASHINGTON YARROLL** and **THOMAS HALLAM**, High-street, Borough, Surrey, (late of Fleet-street, London), tailors, dealers and chapmen, Feb. 22 and April 5 at 11, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Messrs. J. & J. H. Linklater, 17, Sise-lane, London.—Petition dated Feb. 8.

**BIRCHAM ALPE**, Duke-street, Manchester-square, Middlesex, milliner and dealer in Berlin wool, dealer and chapman, Feb. 20 and April 5 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Messrs. J. & J. H. Linklater, 17, Sise-lane, London.—Petition dated Jan. 27.

**GEORGE BROOKS**, Tunbridge Wells, Kent, tailor, builder, dealer and chapman, Feb. 25 at 11, and March 31 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Foreman, Tunbridge Wells; Richardson & Talbot, 47, Bedford-row.—Petition dated Feb. 9.

**JAMES HEATHWAITE**, King-street, Covent-garden, Middlesex, cheesemonger, dealer and chapman, Feb. 24 and March 27 at half-past 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Ashurst & Son, 6, Old Jewry, London.—Petition dated Jan. 25.

**ALEXANDER STUART**, Queen's-road West, Chelsea, Middlesex, grocer and cheesemonger, dealer and chapman, Feb. 23 at 11, and March 30 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Fitch, Union-street, Southwark.—Petition filed Feb. 8.

**FREDERICK JAMES WEST**, London-terrace, Hackney-road, Middlesex, draper, dealer and chapman, Feb. 24 and March 28 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Jones, 15, Sise-lane, Bucklersbury, London.—Petition filed Feb. 11.

**THOMAS BALLINGER**, Birmingham, confectioner and baker, dealer and chapman, Feb. 23 and March 22 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Hodgson, Birmingham.—Petition dated Feb. 9.

**JAMES GIBNEY**, Nottingham, currier and leather seller, Feb. 24 and March 17 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sol. Coope, Nottingham.—Petition dated Feb. 8.

**CHARLES LEAKE**, Crowland, Lincolnshire, grocer, draper, dealer and chapman, Feb. 24 and March 17 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Bray & Bridges, Birmingham; Hill & Matthews, St. Mary-axe, London.—Petition dated Feb. 4.

**ISAAC DEWHIRST**, Halifax, Yorkshire, late a worsted spinner, now a commission agent, dealer and chapman, Feb. 27 and March 28 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Rudd & Kenny, Halifax; Bond & Barwick, Leeds.—Petition dated Feb. 7.

**RICHARD GEORGE BEESLEY**, Manchester, cotton spinner, cotton twist and web dealer, yarn merchant, cotton thread and yarn dealer, agent and commission dealer, Feb. 24 and March 17 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Atkinsons & Last, Manchester.—Petition filed Feb. 2.

**JOSEPH GRAVE**, Manchester, warehouseman, dealer and chapman, Feb. 28 and March 28 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. J. & W. Norris, Manchester; Norris & Allen, Bedford-row, London.—Petition filed Feb. 7.

**ROWLAND HILL**, Nottingham, lace merchant, Feb. 24 and March 17 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sol. Shilton, Nottingham.—Petition dated Feb. 19.

## MEETINGS.

**Edward Blakely**, Conduit-street, Regent-street, Westminster, and Norwich, linendraper, Feb. 24 at 11, Court of Bankruptcy, London, pr. d.—**William Howlett**, Hove, near Brighton, Sussex, builder, Feb. 25 at half-past 12, Court of Bankruptcy, London, last ex.—**James Richardson**, **John S. Wicks**, and **Henry Smith**, Upper Queen's-buildings, Brompton, Middlesex, upholsterers, Feb. 28 at half-past 11, Court of Bankruptcy, London, last ex.—**Robert S. Parry**, Leaden-hall-street, London, bookseller, March 1 at 12, Court of Bankruptcy, London, last ex.—**Claudius Alfred Scrivener**, Old 'Change, London, milliner, March 1 at 12, Court of Bankruptcy, London, aud. ac.; at 1, last ex.—**Wm. Cobb**, Maidstone, Kent, builder, Feb. 28 at 11, Court of Bankruptcy, London, last ex.—**Richard Brownlow**, Ardwick, Manchester, gum manufacturer, Feb. 24 at 12, District Court of Bankruptcy, Manchester, last ex.—**T. Linsell**, Gresham-st., London, commission agent, Feb. 25 at 1, Court of Bankruptcy, London, aud. ac.—**D. Jenkins**, Mile-end-road, Middlesex, licensed victualler, March 1 at 1, Court of Bankruptcy, London, aud. ac.; March 8 at 1, div.—**J. R. Vivian**, Cheapside, London, dealer in mining shares, and Stonehouse, Devonshire, coal merchant, March 1 at 12, Court of Bankruptcy, London, aud. ac.—**Hugh Williams** the elder and **John Williams**, West Smithfield, London, tailors, Feb. 25 at 12, Court of Bankruptcy, London, aud. ac.—**Wm. Andrew**, High-st., Shadwell, Middlesex, baker, Feb. 25 at 12, Court of Bankruptcy, London, aud. ac.—**Richard Tredinnick**, Haymarket, Middlesex, mining broker, Feb. 25 at 12, Court of Bankruptcy, London, aud. ac.—**Elizabeth Morris**, Gloucester, grocer, March 2 at 11, District Court of Bankruptcy, Bristol, aud. ac.—**John Belcherby**, Darlington, Durham, coal owner, March 8 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—**Henry Reading**, Birmingham, draper, March 15 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; March 22 at 12, fin. div.—**Robert J. Williams**, Birmingham, linendraper, March 15 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; March 22 at 12, div.—**John B. Nicklin**, Wolverhampton, Staffordshire, ironmonger, March 15 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; March 22 at 11, div.—**Thomas Browne**, Amble House, Northumberland, shipowner, March 8 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—**John Rampoldt**, Newcastle-upon-Tyne, toyman, March 8 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—**Benjamin N. Dodd**, Hetton-le-Hole, Durham, grocer, March 10 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—**Joseph Cundall**, Old Bond-street, Middlesex, publisher, March 8 at 1, Court of Bankruptcy, London, div.—**John Boyd** and **James Boyd**, Wellington chambers, Southwark, Surrey, hop merchants, March 9 at 2, Court of Bankruptcy, London, div.—**Christian King**, New Bond-street, Middlesex, valentia arabica importer, March 16 at 11, Court of Bankruptcy, London, div.—**Thomas Minnitt**, Mansfield, Nottinghamshire, seed merchant, March 17 at 10, District Court of Bankruptcy, Nottingham, aud. ac. and div.—**D. Braddery**, Derby, builder, March 17 at 10, District Court of Bankruptcy, Nottingham, aud. ac. and div.—**Robert James**, Lenton, Nottinghamshire, lace maker, March 24 at 10, District Court of Bankruptcy, Nottingham, div.—**J. Fiddeman**, Newark-upon-Trent, Nottinghamshire, carrier, March 24 at 10, District Court of Bankruptcy, Nottingham, fin. div.—**Matthew Sibson**, Grove, near Wrexham, Denbighshire, cattle dealer, March 9 at 11, District Court of Bankruptcy, Liverpool, div.—**John Lilley** and **Alfred Ashmall**, Liverpool, merchants, March 9 at 11, District Court of Bankruptcy, Liverpool, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

**Caleb Ambrose**, Sheerness, Kent, ironmonger, March 8 at half-past 1, Court of Bankruptcy, London.—**Wm. Hinde**, Bedford, plumber, March 8 at half-past 12, Court of Bankruptcy, London.—**Jacob Wright**, Holywell-street, Shoreditch, Middlesex, licensed victualler, March 16 at 1, Court of Bankruptcy, London.—**Henry Dawber**, Lincoln, butcher, March 22 at 12, District Court of Bankruptcy, Kingston-upon-Hull.

—**Benjamin Nunnington Dodd**, Hetton-le-Hole, Durham, grocer, March 10 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—**Henry Reading**, Birmingham, draper, March 8 at 12, District Court of Bankruptcy, Birmingham.—**Thomas Minnitt**, Mansfield, Nottinghamshire, seed merchant, March 17 at 10, District Court of Bankruptcy, Nottingham.

To be granted, unless an Appeal be duly entered.

**William Fox**, Westow-hill, Norwood, Croydon, Surrey, victualler.—**Richard Westbrooke**, Laurie-terrace, New-cross, Deptford, Kent, hay dealer.—**Richard Bell**, Longton, Staffordshire, auctioneer.—**Robert Jones Williams**, Birmingham, linendraper.—**Wm. Thomas the younger**, Haworth, Yorkshire, worsted spinner.

## SCOTCH SEQUESTRATIONS.

**John Longwill**, Glasgow, innkeeper.—**Thos. Knox**, deceased, Foulden Bastile, Berwickshire, shoemaker.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

**Henry Francis M'Donald**, Liverpool, hatter, Feb. 20 at 10, County Court of Lancashire, at Liverpool.—**Henry J. Lockwood**, Bury St. Edmund's, Suffolk, baker, Feb. 20 at 10, County Court of Suffolk, at Bury St. Edmund's.—**J. Pettit**, Wingham, Kent, butcher, Feb. 20 at 12, County Court of Kent, at Sandwich.—**Joseph Mills**, Plymouth, Devonshire, carter, March 30 at 11, County Court of Devonshire, at East Stonehouse.—**John Pugh**, Walsall, Staffordshire, cabinet maker, Feb. 27 at 10, County Court of Staffordshire, at Walsall.—**William Wannop**, Scotby, Wetheral, Cumberland, tanner, March 16 at 10, County Court of Cumberland, at Penrith.—**Thos. Lowe**, Queen's-terrace, Queen's-road, Baywater, Middlesex, schoolmaster, March 2 at 10, County Court of Lincolnshire, at Lincoln.—**Wm. Lister Steele**, Kildwick, Yorkshire, stonemason, Feb. 24 at 10, County Court of Yorkshire, at Skipton.—**John Davies**, Cacca Dutton, Holt, Denbighshire, farmer, Feb. 28 at 10, County Court of Denbighshire, at Wrexham.—**William Ogden**, Salford, Lancashire, packer in a warehouse, March 13 at 10, County Court of Lancashire, at Salford.—**Ann Milner**, Manchester, provision-shop keeper, March 6 at 12, County Court of Lancashire, at Manchester.—**John Shaw Barnes**, Manchester, lime dealer, March 6 at 12, County Court of Lancashire, at Manchester.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

March 1 at 10, before Mr. Commissioner MURPHY.

**John Heylen**, Stamford Brook Cottage, New-road, Hammersmith, Middlesex, milkman.—**Reynier Randle**, Ward-st., Lambeth, Surrey, machinist.—**James Cracknell**, Leonard-st., Curtain-road, Shoreditch, Middlesex, carman.

Saturday, Feb. 11.

Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's Inn-fields, on giving the Number of the Case.

**William Harbour**, Diss, Norfolk, grocer, No. 77,510 C.; **Manning Prentice**, assignee.—**Charles Hooper Cope**, Hulme, Manchester, accountant, No. 77,548 C.; **Emanuel Hird**, assignee.—**Thomas Searle**, Torpoint, Cornwall, shipwright, No. 77,263 C.; **Horatio Pickard**, assignee.—**George Parker**, Cambridge-street, Fimlico, Middlesex, in no business, No. 63,908 T.; **Thomas Sharpus** and **John Bremner**, assignees.—**James Terry**, Fox-place, Sandy-hill, Plumstead, Kent, baker, No. 64,137 T.; **Frank Clark Hills**, assignee.

Saturday, Feb. 11.

Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—

(On their own Petitions).

**Frances Stocker**, widow, Bentinck-st., Manchester-square, Middlesex: in the Debtors Prison for London and Middlesex.—**Robert John Benjamin Chambers**, Cecil-st., Strand, Middlesex, navy surgeon on half-pay: in the Debtors Prison for London and Middlesex.—**Geo. Harrison**, Drummond-street, Euston-square, Middlesex, letter carrier: in the Debtors Prison for London and Middlesex.—**Robert Rigg**, Great Sul-

folk-street, Southwark, Surrey, linendraper: in the Queen's Prison.—*John Joseph Hedley*, Henry-street, Commercial-road East, Middlesex, patent windlass manufacturer: in the Debtors Prison for London and Middlesex.—*Henry Cras*, Farringdon-st., London, miller: in the Debtors Prison for London and Middlesex.—*R. Steers*, Alpha-place, Old Kent-road, Surrey, out of employ: in the Debtors Prison for London and Middlesex.—*James Gregg*, Ealing, Middlesex, inspector of weights and measures: in the Debtors Prison for London and Middlesex.—*John Clarke Cailing*, Marlborough-terrace, Queen's-road, Dalston, Middlesex, surveyor: in the Debtors Prison for London and Middlesex.—*Thos. Salmon*, Sussex-road, Brixton, Surrey, cab driver: in the Gaol of Surrey.—*Geo. Smith*, Fitzroy-st., Fitzroy-square, Middlesex, painter: in the Debtors Prison for London and Middlesex.—*Geo. Portescue Ogle*, Spring-street, Paddington, Middlesex, bachelor of medicine: in the Queen's Prison.—*Alexander Maugham*, Bridge-road, Battersea, Surrey, beer-shop keeper: in the Gaol of Surrey.—*Alice Clark*, Manchester, out of business: in the Gaol of Lancaster.—*Thos. Midgley*, Thornton, near Bradford, Yorkshire, woolcomber: in the Gaol of York.—*Thos. Pinder Cliff*, Lowgate, Kingston-upon-Hull, extra weigher in her Majesty's Customs: in the Gaol of Kingston-upon-Hull.—*Thomas Blunn*, Clifford-chambers, Gloucestershire, saddler: in the Gaol of Gloucester.—*A. R. R. Preston*, Lewes, Sussex, assistant surgeon in the Royal Navy: in the Gaol of Lewes.—*T. Smith*, Hove, Sussex, greengrocer: in the Gaol of Lewes.—*James Lloyd*, Grafton St. Martin, Herefordshire, innkeeper: in the Gaol of Hereford.—*J. Browne Smith*, Stoke-upon-Trent, Staffordshire, attorney: in the Gaol of Stafford.—*Ambrose Clarke*, Mickle Trafford, Cheshire, in no business: in the Gaol of Chester.—*Edw. South*, York, out of business: in the Gaol of York.—*Joshua Smallman*, Salford, Lancashire, hat manufacturer: in the Gaol of Lancaster.—*John Neill*, West Houghton, near Bolton-le-Moors, Lancashire, joiner: in the Gaol of Lancaster.—*Wm. Cawsey*, Sidmouth, Devonshire, artist: in the Gaol of St. Thomas-the-Apostle.—*Anthony Thomas Blest*, King-street, Woolwich, Kent, out of business: in the Gaol of Maidstone.—*Jas. Diggles*, Great Horton, near Bradford, Yorkshire, out of business: in the Gaol of York.—*William Burson*, jun., Grove, near Wantage, Berkshire, baker: in the Gaol of Reading.—*Thomas Peach*, Castle Donington, Leicestershire, bricklayer's labourer: in the Gaol of Leicester.—*James Durose*, Bromshall, near Uttroset, Staffordshire, shoemaker: in the Gaol of Lancaster.—*Thos. Capas*, Birmingham, builder: in the Gaol of Coventry.—*John Manning*, Birmingham, tailor: in the Gaol of Warwick.—*John Dallow*, Wolverhampton, Staffordshire, clerk to carriers by canal: in the Gaol of Stafford.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Feb. 28 at 10, before Mr. Commissioner MURPHY.*

*James Hamilton Browne* the elder, Royal Avenue-terrace, Chelsea, Middlesex, selling wine on commission.

*March 1 at 10, before the CHIEF COMMISSIONER.*

*Thos. Heatherley* the younger, Guildford-place, Exmouth-street, Clerkenwell, Middlesex, artist.

*March 2 at 11, before Mr. Commissioner PHILLIPS.*

*James Johnson*, River-terrace, York-buildings, King's-cross, Middlesex, out of business.

*The following Prisoner is ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Cheshire, at CHESTER, Feb. 28.*

*Thomas Hitchmough*, Top Locks, Runcorn, general commission agent.

#### MEETINGS.

*John Harper*, Rodmarley D'Abitot, Worcestershire, yeoman, Feb. 28 at 11, Court-house, Portugal-st., Lincoln's-inn-fields, London, pr. d.—*John Kindred*, Framlingham, Suffolk, miller, Feb. 28 at 12, Court-house, Portugal-st., Lincoln's-inn-fields, London, sp. aff.

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# The Jurist

No. 894—Vol. XVIII.

FEB. 25, 1854.

Price 1s., with Supplement, 2s.

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## ADVERTISEMENTS.

The Scale of Charges for Advertisements will in future be as follows:—

	£	s.	d.
For 2 lines or under .....	0	2	0
3 — .....	0	2	6
4 — .....	0	3	0
5 — .....	0	3	6
6 — .....	0	4	0

And so on, at the rate of 6d. per line.

\* \* A discount, proportioned to the number of repetitions, will be allowed upon all Advertisements ordered for three or more insertions.

LONDON, FEBRUARY 25, 1854.

THERE appears to be something in the mere act of sitting down to draw an act of Parliament, destined to reform the law, which deprives men of their brains, and affects straightforward, clear-headed men with a compound of subtlety and blindness, productive of the most finished incapacity for clearness. There are two striking instances of this in what is termed the Chancery Improvement Act, 15 & 16 Vict. c. 86. The first arises on the 53rd section of the act; the second on the 31st.

There cannot be much doubt that the learned and able persons (that is, learned and able till they paralysed themselves by attempting to draw an act) who, in substance, framed the act, meant to get rid as much as possible of all the nice distinctions arising about supplemental matter purely, and supplemental matter in the nature of original matter, &c.; in fact, of all the worse than useless learning which, while it ornamented the pages of Lord Redesdale, puzzled both the Bench

and the Bar, and punished the suitors in their tenderest affections; and one would not have thought the task very difficult. However, it turns out that it was very difficult. At any rate, the sort of parliamentary chloroform, which apparently emanates from a sheet of paper the moment it is destined to be the recipient of a draft act, so far mystified the learned persons who drew that 53rd clause, that it turns out that supplemental bills, and much of the venerable learning attached to them, subsist and flourish in despite of the rude hand of the reformer; and that there may yet, perhaps, be demurrers, because bills, not strictly original, are yet not the precise kind of bills that they should be. It has now been decided, according to the unanimous opinion of all the judges, that the 53rd section does not apply *after* decree; and does not apply before decree for the purpose of bringing new parties before the Court, but only for bringing forward new facts between the same parties. So that in innumerable instances supplemental bills will still be necessary. Of course every defect, which before could exist in a supplemental bill, may now exist. In fact, therefore, instead of being better off, we are even worse off under the act than before. We have two classes of difficulties—those attending the question when a supplemental statement is proper; and those attending supplemental bills when thrown back upon them.

The next specimen of the perplexed state of mind into which men, otherwise, as we have said, clear-headed, get when they attempt to draw law acts of Parliament, arises out of the 31st section, which directs, that when evidence is taken orally, it shall be taken in

the manner practised in courts of common law when a witness is going abroad, and is not expected to return before the trial. Now, upon this section, the question recently came before the Court of Chancery\*, whether, when a witness is examined orally before the examiner, and one party puts into his hand a written document, and asks him merely to prove the handwriting, without putting any other question whatever, the counsel on the other side may then require to see the document. The Court very naturally looked to the act, and finding a direction to act according to a particular practice at common law, also very naturally inquired what that practice was. It then turned out, that although, of course, the practice at a *Nisi Prius* trial, is perfectly well known, no trace of any special practice under a commission at common law, could be found in the books. Phillips, Starkie, and Taylor were alike silent, and no reported case could be found. Counsel on the one side informed the Court, that he was informed by competent common-law counsel that the practice at common law was different under a commission, from what it was at *Nisi Prius*. Of course, counsel on the other side was informed, on equally good authority, that it was the same.

Now, if the authors of the 15 & 16 Vict. c. 86, had been drawing anything but an act of Parliament, they would have referred to some well-known practice, and either directed it to be rigidly followed, or pointed out the exceptions. But, in drawing an act of Parliament, so plain a course was too much for human nature; and accordingly they pass by the practice at *Nisi Prius*, as well known as our legal A B C, and they hunt out a *lex non scripta*—a practice buried in the bosoms of ephemeral commissioners, of which neither text-writers nor anybody else seem to know anything positively; and in this difficulty have they placed Courts of equity. How they will get out of the difficulty remains to be seen†; but it is plain that difficulty there need have been none, if the parliamentary draftsman would only have been satisfied to be simple, and to have referred to some well-known practice, with or without qualification.

THE Westminster Improvement Bonds being frequently advertised for sale, by auction and otherwise, and the advice of lawyers rather than of stockbrokers being likely to be asked about investing money in them, it may be not altogether useless to mention one or two points which appear not impossible to arise respecting them.

There are three acts of Parliament authorising the "improvements," and empowering the commissioners to borrow money. These acts contain many strange things, but nothing will be at present noticed except the powers of borrowing, and securing the monies borrowed. The acts are the Westminster Improvement Act, 1845, (8 & 9 Vict. c. clxxviii), the same, 1847, (10 & 11 Vict. c. cxxxi), and the same, 1850, (13 & 14

Vict. c. cii); and the general purpose is the making of Victoria-street, and some other streets immediately contiguous to it. By the 37th section of the first act the commissioners are empowered "from time to time to borrow at interest *any sum of money* which they shall judge necessary for the purposes of this act; and for securing the repayment of the monies so borrowed, with interest, the commissioners, or any three of them, may mortgage the lands or funds acquired, or to be acquired, by them by virtue of this act, . . . or may secure the same by bond duly stamped." Sect. 38 refers to a form of mortgage in the schedule to the act; and sect. 40 directs the commissioners to keep a register of all mortgages and bonds, which is to be open to the inspection of parties interested.

The commissioners have powers to purchase the property required for the new streets, and by sect. 81 are empowered to lease such of the purchased lands as are not required for making the streets, "either at a rent, or without any rent," and "may, if they think fit, accept and take any fine for the granting thereof." By sect. 82 the commissioners are to sell the ground-rents and reversions; "and the commissioners shall, at the request, costs, and charges of the purchasers of the same premises respectively, upon payment of the money agreed to be given for the same respectively to the commissioners, by deed under the hands of any three commissioners, convey and assign the land so purchased by such purchasers respectively, together with the houses, erections, and buildings then erected and built, or to be erected and built, thereon respectively, and the fee-simple and inheritance thereof, with the appurtenances, to such purchasers respectively, their heirs and assigns respectively, or as they respectively shall in that behalf order or direct, free from all incumbrances, (except the building leases or agreements to be granted thereof by virtue of this act)." By sect. 84, after conveyances or leases shall be executed, the property shall be held "discharged from all mortgages or other charges previously made by the commissioners, without the mortgagees or other parties entitled to such charges concurring in the conveyance or lease;" but the purchase money is to be liable to the existing mortgages and charges on the land for which it is paid.

By the second act, sect. 50, a reference is made to the schedule for the form of a bond, and the proviso at the end of it is material, being in these words—"Provided always, that the lands, tenements, money, property, and effects of the said commissioners to be acquired under or for the purposes of the said act, or either of them, shall alone be answerable to pay and satisfy the principal sum and interest secured by the before-written bond, and that the commissioners shall not in any case be personally liable to pay the same principal and interest, or any part thereof."

The mortgage in the schedule to the first act is simply that the commissioners "grant and assign unto A. B, his executors, administrators, and assigns, all &c., to hold &c. from this day until the said sum of £—, with interest, &c., shall be fully paid and satisfied."

By the third act, sect. 18, the commissioners are authorised to mortgage, with powers of sale, and to confirm powers of sale contained in, or to add such to, pre-

\* *Lord v. Colbin*, before Sir R. T. Kindersley, V. C.

† This was written and printed before the decision of the Lords Justices in the same matter on the 23rd instant. Their Lordships appear rather to have passed by, than got over, the difficulty.

vices mortgages; and sect. 19 confirms all previous powers of sale. Sect. 20 authorises mortgages to be given in addition to existing bonds, and bonds in addition to existing mortgages, and future borrowings to be secured both ways.

It will be observed, first, that there is *no limit* to the amount which may be borrowed; secondly, that money may be secured by mortgage or by bond, or by both; thirdly, that in no case are the commissioners personally responsible; fourthly, that the bonds are declared to be charges on the property to be acquired by the commissioners under the act; and, fifthly, that such charges are declared by statute.

Such being the circumstances, what are the rights of the bondholders in relation to the mortgagees and to each other?

If the bonds are to be considered as *really* charges upon the property of the commissioners, then it would seem that the maxim "*qui prior est in tempore, potior est in jure*" will apply, and an early bond will have priority over subsequent bonds, and also over subsequent mortgages; and in such case the value of a bond might depend upon its date, and the value of a mortgage upon the amount of bonds existing at its execution. A bond would be in substance a mortgage of the whole property of the commissioners.

On the other hand, if the obtaining the legal estate by mortgage is to be held as giving priority to then existing bonds, the consequence is obvious, that all the property might be mortgaged, and so the bondholders have a charge upon nothing.

The statutes, and particularly the 20th section of the act of 1856, treat the mortgage and the bond as securities of a different nature; and so it would rather appear that the mortgages have preference to the bonds.

The commissioners may have ample funds for payment of everybody, and in that case no difficulty will arise; but in the event of the property not selling to advantage, and any deficiency occurring, the preceding observations shew that there may be a question as to the parties to bear the loss.

### Correspondence.

#### CASUS OMISSUS IN THE SUCCESSION DUTY ACT.

TO THE EDITOR OF "THE JURIST."

SIR,—Sect. 23 of the act 16 & 17 Vict. c. 51, provides, that where timber, &c. shall be comprised in any succession, the successor shall be chargeable with duty upon his interest in the net monies which shall from time to time be received from any sales of such timber, if such monies exceed 10*l.* yearly. The statute appears to me only to provide for the case of timber being felled for immediate sale; but what is to be done where the owner of such timber manufactures it himself, and sells it as a manufactured article; e. g. where the owner of the timber saws it in his own saw-mill, and sells the planks? Where timber devolves on a carpenter, machine-maker, or shipbuilder, and is used by him for the purposes of his trade, surely the duty cannot be charged on the amount received on the manufactured article; yet no provision is made for assessing it otherwise. So, where the successor to timber fells it, and stacks it in his own timber-yard till it is properly seasoned for

immediate use, and then sells it, is he to be charged on the *improved* value? The omission in the act is doubtless attributable to the clause in question having been inserted at the last moment in the House of Commons.

Your obedient servant,

Lincoln's Inn, Jan. 23, 1854.

W. A.

#### COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.

The Lord Chancellor, under the powers of the 16 & 17 Vict. c. 78, intituled "An Act relating to the Appointment of Persons to administer Oaths in Chancery, and to Affidavits made for Purposes connected with Registration," has appointed the following gentlemen to be Commissioners for administering Oaths in Chancery:—

##### To be London Commissioners.

John Combe, 9, Staple-inn.  
William Helder, 10, Lancaster-place, Strand.  
Robert Bradfield Sanders, 1, New-inn, Strand.  
John Duffin Thomson, 68, Lincoln's-inn-fields.  
Henry Nicol, 88, Queen-street, Cheap-side, City.  
Chealyn Hall, 16, New Boswell-court, Lincoln's-inn.  
Ralph Thomas, 7, South-square, Gray's-inn.  
Henry H. Barnes, 2, Great Winchester-street, City.  
William Ansell Boyle, 19, John-street, Bedford-row.  
John Linklater, 17, Sise-lane, City.  
Edwin Smith, 2, Cloisters, Temple.  
James Crosby, 3, Church-court, Old Jewry, City.  
William Newman, 43, Lincoln's-inn-fields.  
David Hughes, 13, Gresham-street, City.  
Park Nelson, 11, Essex-street, Strand.  
Edward Forward Sealy, 27, Moorgate-street, City.  
Henry Edwards, 8, Ely-place, Holborn.  
John Murray, 7, Whitehall-place.  
Thomas Wootton, 10, Tokenhouse-yard, City.  
John Thomas Bennett, 18, Doughty-street, Mecklenburgh-square.  
Adam Rivers Steele, 1, Lincoln's-inn-fields.  
Richard John Cole, 12, Furnival's-inn.  
Charles Bell, 36, Bedford-row, Holborn.  
Octavius Dillingham Mordaunt, 1, Warwick-street, Regent-street.  
James Taylor, 15, Furnival's-inn, Holborn.

##### To be Commissioners in England.

George Whitmore Chinery, Twickenham, Middlesex.  
Ayerst Hooker, Faversham, Kent.  
Thomas Cornish, Penzance, Cornwall.  
John Pares Bickersteth, Salisbury, Wiltshire.  
James Gill, Birkenhead, Cheshire.  
John Baker, Ilminster, Somersetshire.  
Richard Aubrey Essery, Swansea, Glamorganshire.  
George Morris the younger, Shrewsbury, Shropshire.  
Henry Bernard, Wells, Somersetshire.  
George William Prescott, Stourbridge, Worcestershire.  
George Hughes Martin, Chester.  
Henry Tiffen, Sudbury, Suffolk.  
William Swaine, Rochford, Essex.

##### To be a Commissioner in the Channel Islands.

George Edw. Evans, St. Helier, in the Island of Jersey.

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed Thomas Hugh Peake, of Worcester, Gent., to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the city of Worcester, also in and for the county of Worcester.



## London Gazettes.

FRIDAY, FEBRUARY 17.

## BANKRUPTS.

**HENRY ERSKINE WETHERED**, Churton-street, Pimlico, Middlesex, linen draper, dealer and chapman, March 3 and April 6 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Depree & Austen, Lawrence-lane, Chesapeake.—Petition filed Feb. 15.

**BENJAMIN PARFITT**, Artillery-street, Bermondsey, Surrey, stonemason, dealer and chapman, March 3 and 31 at half-past 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Butler, 134, Tooley-street.—Petition dated Feb. 15.

**VALENTINE HENRY GAY**, Blackfriars-road, Surrey, and Strand, Middlesex, tailor and draper, dealer and chapman, March 1 at 2, and March 28 at 11, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Greville, 42, Lombard-street.—Petition filed Feb. 14.

**HENRY WHITMORE**, Stockport, Cheshire, tailor, dealer and chapman, March 1 at 1, and April 19 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Tilleard & Co., Old Jewry, London.—Petition dated Feb. 6.

**RICHARD KELLY**, formerly of Cleveland-row, St. James's Palace, Middlesex; afterwards of Royal Exchange-buildings, London; and now of Ladbroke-terrace, Notting-hill, Middlesex, merchant, emigration and commission agent, passage broker and dealer, dealer and chapman, March 1 at 2, and April 19 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Lawrance & Co., 14, Old Jewry-chambers, London.—Petition dated Feb. 15.

**SAMUEL BIRCHAM ALPE**, (*not* Bircham Alpe, as advertised in last Tuesday's Gazette), Duke-street, Manchester-square, Middlesex, milliner and dealer in Berlin wool, dealer and chapman, Feb. 20 and April 5 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. J. & J. H. Linklater, 17, Sise-lane, London.—Petition dated Jan. 27.

**JOHN** otherwise **JONAS BERGTHEIL**, Abchurch-lane, late of Winchester-buildings, London, merchant, (trading under the firm of Bergtheil & Jung, and of Natal, Africa, surviving partner of the firm of P. J. Jung & Co.), Feb. 22 at 1, and March 22 at half-past 11, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Reyroux & Co., 35, Old Broad-street.—Petition dated Feb. 13.

**JOHN CORNER BLACKLOCK** and **THOMAS ROBISON**, Birmingham, drapers, dealers and chapmen, March 4 and April 1 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Wills, Birmingham; Hodgson, Birmingham.—Petition dated Feb. 14.

**EDWARD BANKS GREEN**, Bilston, Staffordshire, ironmonger, dealer and chapman, March 7 and 30 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Smith, Wolverhampton; Motteram & Knight, Birmingham.—Petition dated Feb. 14.

**THOMAS GATELEY**, Derby and Birmingham, iron merchant, (lately carrying on business with Charles Turner, at Birmingham, as iron merchants), March 7 at 12, and March 30 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. East, Birmingham.—Petition dated Feb. 13.

**JOHN RODWAY**, Gloucester, victualler, dealer and chapman, Feb. 28 and March 28 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Smalridge, Gloucester.—Petition filed Feb. 15.

**EDWARD ROBERTS**, Chard, Somersetshire, innkeeper, Feb. 27 and March 23 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Carslake, Bridgewater; Stogdon, Exeter.—Petition filed Feb. 13.

**JOSEPH PARRY**, Liverpool, bricklayer and builder, dealer and chapman, March 1 and 27 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Christian & Jones, Liverpool.—Petition filed Feb. 10.

**EDMUND SMITH** the younger, Swinton, Lancashire, (formerly carrying on business at Talkoth-hill, Audley, Staffordshire), coal owner, dealer and chapman, Feb. 28 and March 22 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sol. Hodgson, Manchester.—Petition filed Feb. 9.

**ROBERT CLEASBY**, Eccles, Lancashire, builder, March 3 and 24 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sol. Marsland, Bolton.—Petition filed Feb. 9.

**THOMAS YOUNG**, North Shields and Howdon Pans, Northumberland, ship builder, Feb. 24 at 1, and March 31 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. J. & J. T. B. Tinley, North Shields; Holme & Co., 10, New-inn, Strand, London.—Petition filed Feb. 11.

## MEETINGS.

*R. Winter*, Brighton, Sussex, schoolmaster, March 14 at 11, Court of Bankruptcy, London, and *ac. and div.*—*John Read*, Hart-st., Bloomsbury, Middlesex, licensed victualler, March 10, at half-past 11, Court of Bankruptcy, London, and *ac.*—*George Barton* and *John Barton*, Manchester, copper roller manufacturers, March 6 at 12, District Court of Bankruptcy, Manchester, and *ac.*; March 13 at 12, *div.*—*W. Tomlinson*, Manchester, publican, March 3 at 12, District Court of Bankruptcy, Manchester, and *ac.*; March 10 at 12, *div.*—*M. Sibson*, Grove, near Wrexham, Denbighshire, cattle dealer, March 2 at 11, District Court of Bankruptcy, Liverpool, and *ac.*—*John Lilley* and *Alfred Ashmall*, Liverpool, merchants, March 2 at 11, District Court of Bankruptcy, Liverpool, and *ac.*—*J. W. Actroyd*, Bradford, Yorkshire, worsted spinner, March 2 at 11, District Court of Bankruptcy, Leeds, and *ac.*—*James Rollings*, Landport, Portsmouth, Hampshire, stay manufacturer, March 11 at 12, Court of Bankruptcy, London, *div.*—*John J. Stockdale*, Strand, Middlesex, bookseller, March 11 at half-past 1, Court of Bankruptcy, London, *div.*—*Charles R. Smith*, Gloucester-place, New-road, Middlesex, statutory, March 11 at half-past 12, Court of Bankruptcy, London, *div.*—*Henry Aldrich*, Ipswich, Suffolk, corn merchant, March 11 at half-past 12, Court of Bankruptcy, London, *div.*—*S. J. Lucas*, Hingham, Norfolk, grocer, March 11 at 1, Court of Bankruptcy, London, *div.*—*J. S. Rochat*, St. Martin's-lane, Middlesex, watchmaker, March 14 at 11, Court of Bankruptcy, London, *div.*—*George Ackland*, Loughborough-road, Brixton, Surrey, merchant, March 14 at 11, Court of Bankruptcy, London, *fin. div.*—*William Couthorn*, Salisbury-street, Strand, Middlesex, wine merchant, March 14 at 11, Court of Bankruptcy, London, *div.*

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*James Sadler*, Vere-street, Clare-market, Middlesex, talow chandler, March 14 at 11, Court of Bankruptcy, London.—*Jacob Connop*, New Finchley-road, St. John's-wood, Middlesex, bill broker, March 14 at 11, Court of Bankruptcy, London.—*William Emery*, Leighton Buzzard, Bedfordshire, grocer, March 14 at 12, Court of Bankruptcy, London.—*John Read*, Hart-street, Bloomsbury, Middlesex, licensed victualler, March 10 at half-past 11, Court of Bankruptcy, London.—*William Mundy*, Palace-row, New-road, St. Pancras, Middlesex, cowkeeper, March 11 at 12, Court of Bankruptcy, London.—*Charles R. Smith*, Gloucester-place, New-road, Middlesex, statutory, March 11 at half-past 1, Court of Bankruptcy, London.—*George Wren Le Grand*, Lambeth-walk, Surrey, grocer, March 10 at 12, Court of Bankruptcy, London.—*John Watts*, Tiverton, Devonshire, hatter, March 14 at 1, District Court of Bankruptcy, Exeter.—*John Tobity Mercer*, Manchester, plumber, March 13 at 12, District Court of Bankruptcy, Manchester.—*John Mellor*, Manchester, innkeeper, March 14 at 12, District Court of Bankruptcy, Manchester.—*John Wilson*, Sheffield, Yorkshire, spring-knife manufacturer, March 11 at 12, District Court of Bankruptcy, Sheffield.

*To be granted, unless an Appeal be duly entered.*

*Charles S. Twigg*, Cardiff, Glamorganshire, brick maker.—*Owen Sturgis* and *Wm. Adams*, College-villas, New Finchley-road, St. John's-wood, Middlesex, builders.—*J. Matthews*, Little Waltham, Essex, grocer.—*Robert Lockyer*, Maidstone, Kent, licensed victualler.—*William Creebo* and *John Hay*, Mount-street, Lambeth, Surrey, tailors.—*Wm. Robinson*, West Lynn, Norfolk, grocer.—*George Alcock*, Manchester, draper.—*Isaac Shaw*, Macclesfield, Cheshire, joiner.

## PETITION ANNULLLED.

*John E. Loader*, Devonshire-street, Mile-end, Middlesex, builder.

## SCOTCH SEQUESTRATION.

James Cooper, Aberdeen, currier.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Before Lord, Sheffield, Yorkshire, table-blade maker, March 2 at 12, County Court of Yorkshire, at Sheffield.—Edward Gough, Bower Ashton, Long Ashton, Somersetshire, grazier, Feb. 22 at 11, County Court of Gloucestershire, at Bristol.—George Allen, Alton, Southampton, butcher, March 14 at 11, County Court of Hampshire, at Alton.—Wm. D. Fisher, Hertford, watchmaker, Feb. 23 at 11, County Court of Hertfordshire, at Hertford.—Job Eggleston, St. Alban's, Hertfordshire, licensed victualler, Feb. 24 at half-past 10, County Court of Hertfordshire, at St. Alban's.—G. Cutler, Corner Hall, Hemel Hempstead, Hertfordshire, beer-house keeper, Feb. 24 at half-past 10, County Court of Hertfordshire, at St. Alban's.—The Hon. John Sinclair, Fulwood, near Preston, Lancashire, barrack master, March 14 at 10, County Court of Lancashire, at Preston.—Joseph Whitaker, Brierley-hill, Kingswinford, Staffordshire, machineman, Feb. 27 at 10, County Court of Worcestershire, at Stourbridge.—George Sandys, Birkenhead, Cheshire, bookkeeper, Feb. 24 at 10, County Court of Cheshire, at Birkenhead.—John T. Coghlan, Birkenhead, Cheshire, licensed victualler, Feb. 24 at 10, County Court of Cheshire, at Birkenhead.—George L. Hanson, Brighton, Sussex, schoolmaster, Feb. 25 at 10, County Court of Sussex, at Brighton.—W. George, Brighton, Sussex, beer-shop keeper, Feb. 25 at 10, County Court of Sussex, at Brighton.—Joshua Ford, Brighton, Sussex, out of business, Feb. 25 at 10, County Court of Sussex, at Brighton.—Levy S. Elphick, Brighton, Sussex, bricklayer, Feb. 25 at 10, County Court of Sussex, at Brighton.—Henry Barber, Bristol, retailer of beer, Feb. 22 at 11, County Court of Gloucestershire, at Bristol.*

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*March 3 at 10, before the CHIEF COMMISSIONER.*

Philip Thomas, Stanmore-place, Clarendon-street, Grove-street, Camden-town, Middlesex, historical engraver.

*March 4 at 11, before Mr. Commissioner PHILLIPS.*

H. E. Wells, Rhodes-terrace, Queen's-road, Dalston, Middlesex, apothecary to an hospital.—Wm. Lawrence, Frederick-street, Regent's-park, Middlesex, clerk to a builder.

*March 6 at 11, before the CHIEF COMMISSIONER.*

Michael Priest, Wandsworth, Surrey, carman.—Charles Statham, North-row, Oxford-st., Middlesex, London district letter carrier in her Majesty's General Post-office.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*March 3 at 10, before the CHIEF COMMISSIONER.*

Wm. Conway, Skinner-st., Somers-town, Middlesex, china dealer.

*March 6 at 11, before the CHIEF COMMISSIONER.*

J. Stockbridge, Hamilton-mews North, Maida-hill, Middlesex, cab driver.—F. Hill, Bankside, Southwark, Surrey, wharfinger.

*March 6 at 11, before Mr. Commissioner PHILLIPS.*

Robert Rigg, Great Suffolk-street, Southwark, Surrey, out of business.

*County Court of Lancashire, at Lancaster. Assignees have been appointed in the following Cases:—*

John Lomas, Glasgow, pattern designer, No. 77,502; Jos. Horrocks, assignee.—David Clegg, Colne, out of business, No. 77,428; Wm. Varley, assignee.—Wm. Haynes, Droylson, near Manchester, grocer, No. 77,419; Joseph Slater, assignee.—John Wormald, Manchester, packer, No. 77,554; Edward Jos. Hughes, assignee.—Thos. Waterworth Drury,

Preston, grocer, No. 77,540; James Toulmin, assignee.—J. Rawcliffe, Blackburn, ashmonger, No. 77,558; Wm. Jardine, assignee.—Wm. Cross, Little Bolton, Bolton-le-Moors, out of business, No. 77,497; William Jardine, assignee.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Lancashire, at LANCASTER, March 3 at 12.*

George Cawson, Pendleton, near Manchester, plasterer.—Joshua Smallman, Salford, hat manufacturer.—J. Marshall, Salford, joiner.—Edward Dalton, Salford, builder.—Thomas Joseph, Manchester, eating-house keeper.—James Sanderson Caniffe, Salford, grocer.—Joseph Sharples, Heywood, near Bury, reed maker.—John Whittle, Hulme, Manchester, grocer.—George Kay, Oldham, joiner.—John Hinchliffe, Oldham, joiner.—John Sandiford, Radcliffe, near Bury, mechanic.—Jas. Rostern, Radcliffe, near Bury, cotton warper.—Jas. Durose, Broomshall, near Uttoxeter, Staffordshire, shoe-maker.—Frank Holgate, Chaburn, near Clitheroe, carter.—Jos. Knowles, Turton, near Bolton-le-Moors, retail dealer in ale.—Samuel Ashworth, Manchester, game dealer.—J. Neill, West Houghton, near Bolton-le-Moors, joiner.—Joseph Davis, Choriton-upon-Medlock, Manchester, out of business.—Chas. Whittles, Butterworth, near Rochdale, waller.—T. Higgins, Ardwick, Manchester, cabinet maker.—Wm. Beggs, Birkenhead, Cheshire, coal agent.—Eliza Taylor, Hulme, Manchester, out of business.—Jonathan Perring, Blackburn, stonemason.—Elihu Stead, Newton, near Manchester, travelling smallware dealer.—John Preston, Witton, near Blackburn, cut looker.

*At the County Court of Gloucestershire, at BRISTOL, March 1 at 11.*

John Pellowe, Bristol, cabinet maker.—Richard J. Saltren Robins, Queen's Hotel, St. Martin's-le-Grand, London, out of business.

*At the County Court of Kent, at MAIDSTONE, March 2 at 12.*

Geo. Wood, Ash, near Sandwich, out of business.—Josiah Harris, Gravesend, chemist.—Thomas Richards, Whitstable, master mariner.—Anthony Thomas Blest, Woolwich, out of business.

*At the County Court of Lincolnshire, at LINCOLN, March 2 at 3.*

Elijah Dixon, Stamford, carpenter.—Joseph Burton, Stamford, out of business.—G. Thorold, Marston, near Grantham, schoolmaster.

TUESDAY, FEBRUARY 21.

## BANKRUPTS.

DAVID ALLEN RAMSAY, Kensington-park-terrace, Notting-hill, Middlesex, builder, dealer and chapman, March 7 at 11, and April 13 at half-past 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Robinson & Haynes, Orchard-street, Portman-square.—Petition filed Feb. 11.

CHARLES CLARKE, Norwich, maltster and brewer, March 1 at 12, and April 12 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Jay & Pilgrim, Norwich; Jay, 14, Bucklersbury, London.—Petition dated Feb. 11.

FREDERICK SCUDAMORE ROBINSON, Bloomsbury-square, Middlesex, manufacturer of and dealer in patent medicines, dealer and chapman, March 1 at 11, and April 12 at 2, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Lawrance & Co., 14, Old Jewry-chambers, London.—Petition dated Feb. 20.

AUGUSTUS RIZZI, Leeds, Yorkshire, looking-glass manufacturer, dealer and chapman, March 6 and April 4 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Bond & Barwick, Leeds; Fraser, 2, Farnival's-inn, London.—Petition dated Feb. 16.

STEPHEN CARLTON, Darlington, Durham, coach and harness manufacturer, dealer and chapman, Feb. 27 at 12, and March 31 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Brignal, Durham; Hartley, Southampton-street, Bloomsbury, London.—Petition filed Feb. 11.

**DOBSON ULLYETT**, Sheffield, Yorkshire, draper, March 4 and 25 at 12, District Court of Bankruptcy, Sheffield: Off. Ass. Brevin; Sols. Sale & Co., Manchester; J. & H. Richardson & Gaunt, Leeds.—Petition dated Feb. 6, and filed Feb. 7.

**DONALD M'GREGOR**, Chorlton-upon-Medlock, Lancashire, travelling draper, dealer and chapman, March 9 and 30 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Herniman; Sol. Neild, Manchester.—Petition filed Feb. 13.

**THOMAS EVANS**, Manchester, ironmonger, dealer and chapman, March 8 and April 3 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Higson & Robinson, Manchester.—Petition filed Feb. 17.

#### MEETINGS.

*George Warburton*, Leigh, Lancashire, ironmonger, March 9 at 12, District Court of Bankruptcy, Manchester, last ex.—*Lewis Cooke Hertalet* and *Joseph Okell*, Union-court, Broad-street, London, merchants, (trading under the firm of Alexander Moberly & Co.), March 8 at 12, Court of Bankruptcy, London, aud. ac. joint and sep. ests.—*Chas. Raymond Smith*, Gloucester-place, New-road, Middlesex, statuary, March 4 at 12, Court of Bankruptcy, London, aud. ac.—*Geo. Wren Le Grand*, Lambeth-walk, Surrey, grocer, March 10 at 12, Court of Bankruptcy, London, aud. ac.—*John Green*, Landport, Portsea, Southampton, draper, March 10 at 12, Court of Bankruptcy, London, aud. ac.—*Mackinsey Boswell*, Manchester, publican, March 9 at 12, District Court of Bankruptcy, Manchester, aud. ac.; March 16 at 12, div.—*Holt Taylor*, Waterfoot, near Newchurch, Lancashire, coal dealer, March 9 at 12, District Court of Bankruptcy, Manchester, aud. ac.; March 16 at 12, div.—*Joseph Thompson*, Alnby, Cumberland, common brewer, March 10 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Geo. Turnbull*, Coxhoe, Durham, grocer, March 10 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*William Wheeler*, Cleobury Mortimer, Shropshire, miller, March 15 at 12, District Court of Bankruptcy, Birmingham, aud. ac. and div.—*Robert Lea*, Grantham, Lincolnshire, draper, March 24 at 10, District Court of Bankruptcy, Nottingham, aud. ac.—*John C. Sanford*, Paternoster-row, London, stationer, March 14 at 12, Court of Bankruptcy, London, div.—*Edward H. Parkes*, Upper Ebury-street, Pimlico, Middlesex, corn chandler, March 15 at half-past 1, Court of Bankruptcy, London, div.—*L. P. Capua*, Duke's-place, Aldgate, London, fruit merchant, March 15 at 1, Court of Bankruptcy, London, div.—*John Young*, New-cut, Lambeth, Surrey, victualler, March 14 at 1, Court of Bankruptcy, London, div.—*Wm. Steel*, Fenchurch-street, London, tailor, March 14 at 1, Court of Bankruptcy, London, div.—*Isaac Sharman*, Spalding, Lincolnshire, upholsterer, March 15 at 1, Court of Bankruptcy, London, div.—*John King* and *Joseph F. King*, Wells-row, Islington, Middlesex, builders, March 15 at 12, Court of Bankruptcy, London, fin. div.—*Wm. White*, Aylesbury, Buckinghamshire, tailor, March 15 at half-past 11, Court of Bankruptcy, London, div.—*Thomas Crossley*, Noble-street, London, silk warehouseman, March 15 at half-past 12, Court of Bankruptcy, London, div.—*Wm. Mundy*, Palace-row, New-road, Middlesex, cowkeeper, March 15 at 11, Court of Bankruptcy, London, div.—*George N. Manzavino*, Manchester, merchant, March 15 at 12, District Court of Bankruptcy, Manchester, div.—*John Milnes*, Rochdale, Lancashire, woolstapler, March 15 at 12, District Court of Bankruptcy, Manchester, div.—*John Tomkinson*, Liverpool, Lancashire, and Runcorn, Cheshire, stonemason, March 15 at 11, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Micah Mellor*, Clare, Suffolk, innkeeper, March 16 at 2, Court of Bankruptcy, London.—*John Delaney*, Mark-lane, London, wine merchant, March 15 at 2, Court of Bankruptcy, London.—*Henry P. Taylor*, Queen's-road, Dalston, Middlesex, licensed victualler, March 15 at 1, Court of Bankruptcy, London.—*John Rothwell*, Southport, Lancashire, grocer, March 16 at 11, District Court of Bankruptcy, Liverpool.—*William Palla*, Hulme, Lancashire, builder, March 30 at 12, District Court of Bankruptcy, Manchester.—*T. Wilkinson*, Openshaw, Lancashire, builder, March 14 at 12, District Court of Bankruptcy, Manchester.—*Joseph Camm*, Quorndon,

Leicestershire, miller, March 17 at 10, District Court of Bankruptcy, Nottingham.—*Edward Rose*, Nottingham and Snelton, Nottinghamshire, lace cap manufacturer, March 17 at 10, District Court of Bankruptcy, Nottingham.—*F. Chater*, Wolverhampton, Staffordshire, chemist, March 23 at 12, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*J. Hill*, Prospect-place, Holloway-road, Middlesex, builder.—*Edward Thomas*, Ebury-st., Pimlico, Middlesex, builder.—*Wm. Holmes*, Manchester, cotton manufacturer.—*G. Barrett* the elder and *G. Barrett* the younger, Kidderminster, Worcestershire, and Bath-street, Newgate-street, London, carpet manufacturers.—*Richard Wilson* and *John Seaton Wilson*, Kingston-upon-Hull, stonemasons.

#### PETITION ANNULLLED.

*Walter Scammell*, Waterford-terrace, Waterford-road, Fulham, Middlesex, shoemaker.

#### PARTNERSHIPS DISSOLVED.

*Wm. Spencer* and *Edward Sargent*, Birmingham, attorneys and solicitors.—*William Burchell* and *John Parson*, Parliament-street, Westminster, Middlesex, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*James Graham*, Leitchtown, solicitor.—*John McCowan*, Glasgow, cotton mill furnisher.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*George Davis Hyde*, Muford, Somersetshire, innkeeper, March 14 at half-past 10, County Court of Somersetshire, at Yeovil.—*Ann Corns*, Salford, Lancashire, beer-house keeper, March 13 at 10, County Court of Lancashire, at Salford.—*George Thomas*, Huddersfield, Yorkshire, whitesmith, March 6 at 10, County Court of Yorkshire, at Huddersfield.—*T. R. Jones*, Ruthin, Denbighshire, painter, March 10 at 12, County Court of Denbighshire, at Ruthin.—*John Greaves*, Walsingham, Nottinghamshire, cattle jobber, March 13 at 12, County Court of Lincolnshire, at Gainsborough.—*Thos. Davis*, Worcester, brushmaker, March 15 at 10, County Court of Worcestershire, at Worcester.—*John Wormington*, Broadwas, Worcestershire, postmaster, March 15 at 10, County Court of Worcestershire, at Worcester.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*March 8 at 10, before the CHIEF COMMISSIONER.*

*Henry Cohen*, Bell-lane, Christchurch, Spitalfields, Middlesex, licensed travelling hawk on foot.

*March 8 at 10, before Mr. Commissioner MURPHY.*

*John Pritchard*, Parker's-terrace, Neokinger-road, Bermondsey, Surrey, plumber.—*Robert Goodwin*, South-street, Camberwell, Surrey, milk carrier.—*John Ewans*, Trinity-row, Upper-street, Islington, Middlesex, commission agent.

*March 9 at 11, before Mr. Commissioner PHILLIPS.*

*Thomas Sly*, Bruton-st., Bond-st., St. George's, Hanover-square, Middlesex, tailor.—*Jos. Swain Blomeley*, Bow-common-lane, Bow, Middlesex, clerk to a stockbroker.—*John Atkinson*, Stepney High-street, Stepney, Middlesex, letter receiver.

*Saturday, Feb. 18.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal street, Lincoln's Inn-fields, on giving the Number of the Case.*

*John Edington*, Liverpool, assistant to an iron manufacturer, No. 77,316 C.; *Wm. Watson*, assignee.—*Daniel Genn*, Sheffield, Yorkshire, out of business, No. 77,330 C.; *William Crowther*, assignee.—*John Barwise*, Grove-lane, Camberwell, Surrey, out of business, No. 64,088 T.; *Wm. Welby Smith*, assignee.—*John Jones*, Coytrahén, Llangothroyd, Glamorgan-shire, blacksmith, No. 76,889 C.; *Wm. Lewis*, assignee.—*G.*

*Terry*, Brighton, Sussex, builder, No. 77,398 C.; *Benjamin Webb*, assignee.—*Arthur John Hughes*, Old Windsor, Berkshire, in no profession, No. 77,465 C.; *Wm. Freeman* and *George Bass Parker*, assignees.

Saturday, Feb. 18.

Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—

(On their own Petitions).

*Francis Hill*, Modena-terrace, Old Kent-road, Surrey, builder: in the Debtors Prison for London and Middlesex.—*John Wray*, Brook-st., Ratcliffe, Middlesex, engineer: in the Debtors Prison for London and Middlesex.—*C. Fisk*, Angel-row, Hammersmith, Middlesex, chesemonger: in the Debtors Prison for London and Middlesex.—*George Banks*, Wilmington, near Dartford, Kent, baker: in the Debtors Prison for London and Middlesex.—*Charles Barnard*, Nicholl-square, Cripplegate, City, silversmith: in the Debtors Prison for London and Middlesex.—*John Summers*, Acton-st., Gray's-inn-road, Middlesex, builder: in the Debtors Prison for London and Middlesex.—*Thomas Sheppard*, Mitford-road, Hornsey-road, Middlesex, fishmonger's shopman: in the Debtors Prison for London and Middlesex.—*Joseph West*, Smithfield, City, licensed victualler: in the Debtors Prison for London and Middlesex.—*Levi Gouldstone*, Ball's-pond-road, Islington, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Richard Davis*, Princes-street, Bedford-row, Middlesex, servant to a cowkeeper: in the Debtors Prison for London and Middlesex.—*Henry A. Newcomb*, Upper Dorchester-place, Hoxton, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Chas. Wickam*, Ifield-terrace, Larkhall-lane, Stockwell, Surrey, milkman: in the Gaol of Surrey.

(On Creditor's Petition).

*Charles Williams*, Lincoln-st., Mile-end-road, Middlesex, grocer: in the Debtors Prison for London and Middlesex.

(On their own Petitions).

*John Stead*, Fairburn, near Ferrybridge, Yorkshire, shoemaker: in the Gaol of York.—*George Essex Brett*, Crooks, near Sheffield, Yorkshire, butcher: in the Gaol of York.—*George Baxter*, Nottingham, dyer: in the Gaol of Nottingham.—*John Frogson*, Woollaton, Nottinghamshire, out of business: in the Gaol of Nottingham.—*George Toone*, Nottingham, dyer: in the Gaol of Nottingham.—*Jos. Davis*, Chorlton-upon-Medlock, Manchester, out of business: in the Gaol of Lancaster.—*Samuel Ashworth*, Manchester, fishmonger's assistant: in the Gaol of Lancaster.—*Elihu Stead*, Newton, near Manchester, smallware dealer: in the Gaol of Lancaster.—*Charles Whittles*, Rough Bank, Butterworth, near Bechdale, Lancashire, waller: in the Gaol of Lancaster.—*John Preston*, Blackburn, Lancashire, cut looker: in the Gaol of Lancaster.—*Thomas Ason*, Hulme, Manchester, joiner: in the Gaol of Lancaster.—*Eliza Taylor*, Hulme, Manchester, out of business: in the Gaol of Lancaster.—*Jonathan Perring*, Blackburn, Lancashire, stonemason: in the Gaol of Lancaster.—*Frank Holgate*, Chatburn, near Clitheroe, Lancashire, auctioneer: in the Gaol of Lancaster.—*Thomas Higgins*, Ardwick, Manchester, toy and smallware dealer: in the Gaol of Lancaster.—*Joseph Knowles*, Coxgreen, Turtun, near Bolton-le-Moors, Lancashire, labourer: in the Gaol of Lancaster.—*John Sandiford*, Chapel-field, Radcliffe, near Bury, Lancashire, journeyman: in the Gaol of Lancaster.—*John Hinchliffe*, Oldham, Lancashire, joiner: in the Gaol of Lancaster.—*Joseph Sharples*, Heywood, near Bury, Lancashire, reed maker: in the Gaol of Lancaster.—*John Whittle*, Hulme, Manchester, grocer: in the Gaol of Lancaster.—*Thos. Joseph*, Manchester, eating-house keeper: in the Gaol of Lancaster.—*James Rostern*, Radcliffe, near Bury, Lancashire, cotton warper: in the Gaol of Lancaster.—*James S. Cunliffe*, Salford, Lancashire, grocer: in the Gaol of Lancaster.—*George Kay*, Oldham, Lancashire, joiner: in the Gaol of Lancaster.—*Wm. Beggs*, Birkenhead, Cheshire, general commission agent: in the Gaol of Lancaster.—*John Amelia* the younger, Monkwearmouth Shore, Durham, common brewer: in the Gaol of Durham.—*Philip Carlton*, York, out of business: in the Gaol of York.—*Thomas Richards*, Whitstable, Kent, master mariner: in the Gaol of Maidstone.—*W. Shaw*, Newark-upon-Trent, Nottinghamshire, fishmonger: in the Gaol of Nottingham.—*John Bland*, Stewart's-square, Great Alfred-st., Nottinghamshire, out of business: in the Gaol

of Nottingham.—*Wm. Sandbach*, Salford, Lancashire, out of business: in the Gaol of Lancaster.—*Thomas Colley*, Southsea, near Portsmouth, Southampton, shipwright: in the Gaol of Winchester.—*Wm. Bradley*, Birmingham: in the Gaol of Coventry.—*James Rose*, Chesterton, Cambridgeshire, baker: in the Gaol of Cambridge.—*Thomas Marshall*, Dunstable, Bedfordshire, stonemason: in the Gaol of Aylesbury.—*Wm. Nott*, Exeter, nurseryman: in the Gaol of Exeter.—*Thomas Prout*, Plymouth, Devonshire, accountant: in the Gaol of St. Thomas-the-Apostle.—*Robert Wicks*, Birmingham, eating-house keeper: in the Gaol of Coventry.—*Howard Pepper*, Coventry, Warwickshire, butcher: in the Gaol of Coventry.—*John Smith*, Birmingham, out of business: in the Gaol of Coventry.—*George White*, Hill, Millbrook, Southampton, boiler maker's labourer: in the Gaol of Winchester.—*Samuel Bennett*, Chapel-en-le-Frith, Derbyshire, manager of a cotton mill: in the Gaol of Derby.—*Wm. Wadhams*, Sutton Coldfield, Warwickshire, farmer: in the Gaol of Coventry.—*Wm. Brooks*, Edgbaston, Warwickshire, builder: in the Gaol of Coventry.—*Charles Mountney*, King's Norton, Worcestershire, butcher: in the Gaol of Coventry.—*Jonathan Fawcett*, Newcastle-upon-Tyne, draper's assistant: in the Gaol of Newcastle-upon-Tyne.—*James Chapmen*, Oldham, Lancashire, joiner: in the Gaol of Lancaster.—*Edwin Townley*, Ardwick, Manchester, provision dealer: in the Gaol of Lancaster.—*James Bower*, New Delph, Saddleworth, Yorkshire, engineer: in the Gaol of York.—*Wm. Binks*, Manchester, bookkeeper: in the Gaol of Lancaster.—*Joseph Baylis*, West Birmingham, out of business: in the Gaol of Lancaster.

The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

March 7 at 10, before Mr. Commissioner MURPHY.

*John Wray*, Brook-street, Ratcliffe, Middlesex, engineer.

March 8 at 10, before the CHIEF COMMISSIONER.

*John Backs*, Waterloo-street, Camberwell, Surrey, out of business.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Suffolk, at IPSWICH, March 10 at half-past 9.

*George T. Condy*, Ipswich, attorney-at-law.

At the County Court of Herefordshire, at HEREFORD, March 16.

*James Lloyd*, Grafton, St. Martin, innkeeper.

At the County Court of Nottinghamshire, at NOTTINGHAM, March 16 at 9.

*George Toone*, Nottingham, dyer.—*John Frogson*, Woollaton, out of business.—*George Baxter*, Nottingham, dyer.—*William Shaw*, Newark-upon-Trent, fishmonger.—*Vernam Noon*, Radford, near Nottingham, watchmaker.—*Thomas Slingsfield*, Worksop, out of business.

MEETING.

*Charles A. Parker*, Doncaster, Yorkshire, gentleman, March 2 at 12, at the office W. Marratt, solicitor, Doncaster, sp. aff.

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# The Jurist

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LONDON, MARCH 4, 1854.

OUR last review of criminal cases was in October last\*, and since that period several important decisions have proceeded from the Court for Crown Cases Reserved.

**Confession.**—The nature of the threat or inducement, and of the authority of the person using it, has been again considered in two recent cases. In one, (*Reg. v. Sleeman*, 17 Jur., part 1, p. 1082), a daughter of the prosecutor, (the prisoner's master), but who did not live with her father, and was not the prisoner's mistress, whilst she had temporary charge of the prisoner, who had been previously taken into custody, said to her, "I am very sorry for you: you ought to have known better. Tell me the truth, whether you did it or no. . . . Do not run your soul into more sin, but tell the truth;" when the prisoner made a full confession. The Court held that there was no threat or inducement held out to the prisoner, and that the confession was not made to a person in authority. In the other case, (*Reg. v. Luckhurst*, 17 Jur., part 1, p. 1082),

a person, in the presence of the prosecutor, threatened to give the prisoner into custody unless he told him "what business he had" in a stable, (where the offence was alleged to have been committed); and in a subsequent part of the same conversation stated the nature of his suspicions, when the prisoner confessed. The confession was held to be inadmissible in evidence, although at the time when the threat was made the nature of the charge had not been stated. Before he made the confession, however, he had been told, in the presence of the prosecutor, what the charge was. The person using the threat was not a person in authority, but the prosecutor being present, it was the same as if he had used the threat himself.

**Embezzlement.**—(See *Larceny*).

**False Pretences.**—(See *Larceny*).—In order to constitute the offence of obtaining money, &c. under false pretence, the "obtaining" must be in accordance with the wish, or for the advantage, or for the purpose of effecting some object of the party making the false pretence. Thus, where the defendant had fraudulently altered the amount of a letter of credit on a bank, and obtained large sums of money thereon, for which he had given drafts on the bank referring to the letter, and the drafts were presented, but not paid, the defendant was convicted of having attempted to obtain money from the bank by false pretences; but although the jury found that he meant the drafts to be presented, and the money paid thereon, the Court held, that if the money had actually been obtained, it would not have been an offence within stat. 7 & 8 Geo. 4, c. 29, inasmuch as, so far from the defendant desiring that the drafts should be presented, he would have been better pleased if they had been destroyed, he having already received the money for them. If the drafts had been

\* 17 Jur., part 2, p. 393.

honoured, they said, it was not shewn that the defendant would have received the money; he would not have obtained it himself, nor by his agent; and the jury must be taken to have found that the defendant merely foresaw that the drafts would be presented. (*Reg. v. Garrett*, 17 Jur., part 1, p. 1060). In this case one of the objections taken was, that the prisoner, being at St. Petersburg when he passed off the letter of credit and when the drafts were presented in London, had committed no offence in this country; but the Court were clearly of opinion that "if a man employ a conscious or unconscious agent to commit an offence in this country, he is amenable to the laws of England, although at the time that the offence was committed he was living beyond the jurisdiction."

Upon a charge of obtaining money by false pretences, it is sufficient if the actual substantial pretence, which was the main inducement to part from the money, he alleged and proved, although it may be shewn in evidence that other matters in some measure operated upon the mind of the prosecutor as an inducement for him to part from his money. (*Reg. v. Hewgill*, 18 Jur., part 1, p. 158).

**Forgery—Order for the Payment of Money.**—To constitute the offence of forging an order for the payment of money, within the stat. 11 Geo. 4 & 1 Will. 4, c. 66, it is not necessary that the name of the party to whom it is addressed should appear upon the face of the order itself. The direction may be shewn by extrinsic evidence; as, for instance, by taking and presenting it to a party for payment. Thus, where the prisoner called at a bank, and said that she had been told by Mr. Ramsay that she was to have the sum of 800*l.* if she called for it; being told that his order was necessary, she went away, and returned, presenting a forged document, beginning, "Sirs, please to pay" &c. The names of the bankers did not appear on any part of the document; but their clerk said, if he had known that Mr. Ramsay had signed it, he should have paid it; and it was held, that she was properly convicted of forging an order within the statute. (*Reg. v. Snelling*, 17 Jur., part 1, p. 1012). It was said by the Court, that the putting a mere signature to a bill may be shewn to amount to a receipt, although in itself it is no receipt, except as explained by usage; (and see, as to this point, *Reg. v. Overton*, post); and a request to deliver goods, although no request on the face of it, may be shewn by evidence to be one; that the same rule is applicable to orders for the payment of money; and that if the order had been genuine, and paid, it would have operated as a discharge to the bankers in respect of the payment. Parke, B., seemed to think that it might be an order within the statute independently of the prisoner's conduct in shewing to whom it was addressed. The case of *Rex v. Clinch*, (2 East's P. C. 938), in which it was held that an order to deliver goods must be directed to the holder of or person interested in the goods, if not overruled, was held to be no longer applicable, since the change in the law not requiring the instrument to be set out in the indictment.

The prisoner was indicted for forging a testimonial to his character as a schoolmaster, and other counts of the indictment charged him with having uttered

the forged document. The jury acquitted him of the forging, but found him guilty of the uttering with intent to obtain the emoluments of the office, and to deceive the prosecutor. The facts so found were held to constitute an offence at common law, of which the prisoner was properly convicted. (*Reg. v. Sharman*, 18 Jur., part 1, p. 157).

**Larceny.**—Illustrations of the extreme subtlety prevailing in that portion of our criminal law which relates to larceny and embezzlement have been afforded in the following cases:—In *Reg. v. Reid*, (18 Jur., part 1, p. 66), the Court, after two arguments, and much time taken to consider, decided that the prisoner was guilty of larceny, and not embezzlement, under the following circumstances:—He had been sent with his master's cart for some coals, which were delivered to him, and deposited in the cart, their price being entered to the master's account. On the road home the prisoner disposed of a portion of the coals. The ground on which the judgment proceeded was, that the prisoner had determined his exclusive possession of the coals when they were deposited in the cart; and from that time, and therefore at the time of taking, the possession was in the master. The Court considered that direct authority was to be found for their decision in *Spears's case*, (2 East's P. C. 568; 2 Leach's C. C. 825), especially as it is reported in the Black Book, v. 2, pp. 182, 183, which contains the decisions in Crown cases, and is deposited with the Chief Justice for the time being.

In *Reg. v. Beaumont* (18 Jur., part 1, p. 159) the facts were as follow:—W. had contracted with a railway company to provide horses and carmen for the delivery of the company's coals, and for "collecting, receiving, and duly accounting for the monies received for the same;" such carmen were to obey the orders of the company's manager in all things connected with the delivery of the coals, and "receipt and payment of monies" received by them, and W. or the carmen were daily "well and truly to pay, account for, and deliver to the said company's manager all cheques, monies," &c. which they might receive in payment of the coals. The course of business was for the carmen to receive delivery notes and receipted invoices from the company's office. The former they took to W. for the purpose of being entered in his books, but the invoices were left with the customer on payment of the account. The prisoner was a carman of W., and the case found that it was his duty to pay over direct to the company's clerks any money he received for coals. He, however, having delivered coals to a customer, received the money, and appropriated it to his own use, and was then indicted for embezzling the money of W., his master. It was held, by a majority of the judges, that there was a privity between the prisoner and the company, so as to make him their agent; that he agreed to pay the money to them, and therefore had not received it on account of W., and was wrongly convicted of embezzling his money.

The prosecutor gave some marked money to a friend to expend at his (the prosecutor's) shop, for the purpose of detecting a servant whom the master suspected; and the servant having received the money, it was found in his box, instead of in the till, where it was his duty to have put it. The jury having convicted him of embezzlement, the Court upheld the conviction. (*Reg. v. Gill*, 18 Jur., part 1, p. 70). The objection was, that it was the master's own money at the time of the receipt of it, and therefore the offence was larceny; but the Court held otherwise, upon the authority of *Rex v. Headge*, (2 Leach's C. C. 1033).

A prisoner was convicted of larceny on these facts. It was his duty, as bailiff to the prosecutor, to pay and receive monies. Upon an account thereof rendered, it appeared that he had charged his master with larger



payments than had been actually made, and had thereby obtained more money than was actually due to him. The Court held that the offence, if any, was obtaining money under false pretences. (*Reg. v. Green*, 18 Jur., part 1, p. 168).

By the interpretation clause (sect. 47) of the stat. 7 Will. 4 & 1 Vict. c. 36, relating to offences against the Post-office, the expression "person employed by or under the Post-office" is to include "every person employed in any business of the Post-office." The prisoner was employed as a letter-carrier from A. to B., such employment being complete upon delivery of the letters at B. Upon one occasion, at the request of the postmaster at B., the prisoner assisted in sorting the letters at that place, and while so engaged stole one of the letters containing money. It was contended, that as this was not an ordinary or official, but merely a casual, employment, the prisoner did not come within the definition; but the Court held that he was properly convicted. (*Reg. v. Reason*, 17 Jur., part 1, p. 1014).

The proof of the corpus delicti in larceny was lately considered. The prisoner was found coming out of a warehouse, where a large quantity of pepper was kept, with pepper of a similar quality in his pocket. He had no right to be in the warehouse, and on being discovered said, "I hope you will not be hard with me," and took some pepper out of his pocket and threw it upon the ground. There was no evidence of any pepper having been missed from the bulk. It was objected that the prosecutor had failed to make out his case, and had not thrown upon the prisoner the onus of answering it, according to the maxim of the civil law, "Ei incumbit probatio, qui dicit, non qui negat." (Cod., lib. 2, tit. 1, l. 4; and see Dig., lib. 22, tit. 3, l. 2). The Court, however, held that there was sufficient evidence of the corpus delicti to go to the jury. (*Reg. v. Burton*, 18 Jur., part 1, p. 167\*).

**Night Offences.**—By stat. 14 & 15 Vict. c. 19, s. 1, "if any person shall be found by night armed with any dangerous or offensive weapon, with intent to break or enter any dwelling-house, &c., and to commit felony therein; or if any person shall be found by night having in his possession, without lawful excuse, (the proof of which excuse shall lie on such person), any picklock, &c., or other implement of housebreaking; or if any person shall be found by night having his face blackened or otherwise disguised, with intent to commit a felony," &c. It has been decided that an intent to commit felony forms no ingredient in the above offence of being found by night with housebreaking instruments without lawful excuse, and therefore that an indictment omitting such averment is good. (*Reg. v. Bailey*, 17 Jur., part 1, p. 1106).

**Perjury.**—A Master Extraordinary in Chancery has no power to administer oaths in matters before the Court of Admiralty. It was therefore held, that a conviction for perjury in an affidavit so sworn, but used in the Court of Admiralty, could not be supported. (*Reg. v. Stone*, 17 Jur., part 1, p. 1106). It was said that the practice to receive such affidavits was as old as the Court of Chancery itself, which had a jurisdiction in matters within the Admiralty. Lord Campbell stated that in ancient times the Lord Chancellor issued letters of marque and reprisal. The Masters Extraordinary had also an old date assigned to them. Fleta (A. D. 1340) speaks of "clerici honesti," and Lord Campbell said they had existed from the time of the Anglo-Saxons, and that they were members of the Wittenagemote.

**Practice.**—The important question, how far a verdict

delivered by mistake may be amended in a reasonable time, was discussed in a recent case. (*Reg. v. Voddan*, 17 Jur., part 1, p. 1014). One of the jury pronounced a verdict of "not guilty," which was entered by the clerk of the peace, and the prisoner was discharged out of the dock, when other jurymen interfered, and said their verdict was "guilty;" whereupon the prisoner was brought back, and the jury were again asked for their verdict, when they all said it was "guilty," and that they had been and were unanimous. The verdict was amended, and the Court held properly so, and that the conviction must stand. It had been previously held (*Reg. v. Parkin*, 1 Moo. C. C. 45) that a verdict, having been recorded, might be amended, where the jury a few minutes afterwards expressed their dissent.

**Stamp.**—Two very important cases have been decided upon the stamp laws, which now seem to be applied without question to criminal cases, but our space will not permit of our doing more than merely referring to them. In one (*Reg. v. Overton*, 18 Jur., part 1, p. 134) it was held, that a document, not purporting on the face of it to be a receipt for the payment of money, may be shewn to be one by evidence aliunde, and thus be brought within the stamp laws; and if it does require a stamp, and is unstamped, it cannot be given in evidence merely for the purpose of identifying the prisoner, if it also proves a material fact against him, e. g. the receipt of the money on a charge of embezzlement. In such a case the proper course is to shew that the money was paid to the party who signed the paper or book, and then to prove and put in only the signature. In the other, (*Reg. v. Watts*, to be reported in part 1 of our next number), an unstamped agreement was held (Parke, B., dissenting) to be within the rule of common law which prevents choses in action from being the subject of larceny.

## Reviews.

*Observations of a Solicitor on the Right of the Public to form Limited-liability Partnerships, and on the Theory, Practice, and Cost of Commercial Charters.* By EDWIN WILKINS FIELD. 8vo. Pp. 96.

[Longman.]

OUR law of partnership requires great amendment in many particulars, but there is little hope of any useful alteration being made while the inconsiderate cry for limited liability is kept up, in connexion with complaints of defects in the law, which have nothing to do with limited liability. In these observations we shall confine ourselves strictly to that subject, and principally with reference to Mr. Field's pamphlet, though it does not include, or profess to include, the whole case in favour of limited liability\*.

Mr. Field's pamphlet is his answer to the questions circulated by the Mercantile Law Commissioners. He complains that those questions include points of pure economical science, which are outside any present legitimate investigation—such, for instance, as the inquiry whether legislative acts can afford undue facilities for the creation of unwholesome competition—questions which were included, and altogether disposed of, in the settlement of the general question of free trade; and in another place he insists on the laissez faire principle of commercial legislation as a thing absolutely settled, and not to be opened. But all that was settled, either in economical science or in legislation, in respect of the free-trade question, was, that native growers and manufacturers have no right to confine native consumers to

\* The rules relating to the important subject of proof of the corpus delicti in different cases are accurately stated and clearly illustrated in Mr. Best's Principles of Evidence, pp. 546—515, 2nd ed.

\* See the well-written article on the subject in the Westminster Review for October, 1853, and a recent pamphlet by Mr. W. Ffooks, "The Law of Partnership an Obstacle to Social Progress."

the home market; and the so-called laissez faire principle is obviously no scientific principle, but merely a statistical fact, that the history of legislation here and abroad affords many instances of interference in cases where the parties intended to be benefited would have done much better for themselves. It is not yet a settled principle that Government should leave people to take care of themselves in every particular. There are still economists who think that the law should interfere to prevent gambling and fraud, and to enforce executory contracts; but the expediency of interfering with mercantile transactions is denied. Be it so. But what if commerce is apt to slide insensibly into gambling and fraud? Is "undue" speculation with borrowed capital a purely mercantile transaction? Is the getting together of a flock of subscribers by means of a delusive prospectus, reports of "eminent scientific men," &c., and then using their capital as a means of attracting credit, and spending the whole upon a staff of lawyers, officers, and engineers, a mercantile transaction? We must leave the term "laissez faire" to its legitimate use, as a convenient expression, and inquire in each case what is right to be done. Mr. Field protests against what he calls "the empirical method of inquiry almost invariably pursued by commissioners." "To ascertain any scientific truth, (and I need not say that the question before us is a purely scientific one, containing a solution true for all people and times\*, if we can arrive at it), it is a very unscientific way to ask the opinion of A., B., C., D., &c., and out of the average of their notions to think you get the truth required." Setting aside the large class of commissions issued with a view to the defending, continuing, or creating of jobs, commissioners of inquiry do not proceed in the way described by Mr. Field. Their commission assumes that the truth required is not to be found settled past dispute in a chapter of Mill, or elsewhere. It does not assume that the commissioners understand the subject better than the rest of the world, or that they are the most competent persons to collect particulars, make observations, and go through the process of induction or analysis, as the case may require, from the beginning. If it did, commissions would seldom be issued to members of Parliament. It is not for their skill in such operations that men are sent there. The commissioners are selected for their general intelligence and impartiality: they are asked, not to fancy themselves Adam Smiths or Bentham, but to procure information from all who are likely to have thought and observed on the subject with effect. The abilities of the commissioners may give value to their report, but the main object of the commission is generally the appendix of evidence and information.

By our law a debtor is under unlimited liability to pay the debt, unless the creditor has agreed to a limitation of the liability.

When the profits of a business are shared by several persons, all are, in questions between them and the creditors of the business, considered as partners, whether their interest was known to the creditor at the time of giving credit or not.

Every partner, whether secret or avowed, is considered to give to the persons who are publicly recognised as carrying on the business authority to contract on behalf of the firm all such engagements as are usually or reasonably necessary for the purpose. But any restriction placed on this implied power, by agreement between the partners, is binding on creditors who become such with notice of the agreement, and credit given to a dormant partner contrary to the intent of the partnership agreement would not generally be

binding on the firm. Thus a private shareholder in a joint-stock company has no power to bind the firm.

Every partner is liable for the whole of the partnership debts duly contracted as above, except where his liability has been limited by special contract with the creditor, (as is common in insurance contracts), by a general notice which the creditor is bound to regard, (as by a clause in the registered settlement deed of a joint-stock company, if the doctrine in *The Sea Fire and Life Insurance Company*, 18 Jur., part 1, p. 118, is correct), or by charter or act of Parliament.

What are called cost-book partnerships in mines are frequently instanced as customary exceptions to the general law of unlimited liability; but the only legal peculiarity of cost-book associations is, that they are expressly excepted from the operation of the act for the registration of joint-stock companies. If two tenants in common of a farm agree to cultivate it at their joint expense, and to divide the profits, neither of them is answerable for any debt contracted by the other for the purposes of the farm, unless he has given an express or general authority, or by his conduct has entitled the creditor to imply such authority. There is no general presumption that a farming business is conducted on credit. For the same reason the manager of a joint adventure in a mine, whether worked on the cost-book principle or not, has no implied authority to contract debts. A mine is presumed to be a ready-money concern; and even debts contracted by the manager of a registered joint-stock mining company would not bind the shareholders, if the deed of settlement gave the manager no authority to contract debts.

Partnership in an undertaking which can be carried on without credit may be created without binding the partners beyond the engaged capital. This consideration answers most of the alleged examples of our law's discouragement of useful undertakings, such as lodgings for the poor, gas companies, water-works, &c. No doubt the law does a little obstruct the proceedings of those speculative gentlemen who for their own ends are always ready to provide a popular want or sentiment with the corporeal tenement of a joint-stock company. But no charter or limitation of liability is necessary for the making of a lodging-house, or a hundred lodging-houses, of gas-works, or water-works, or any other undertaking of the like nature, which, as it requires no credit, needs never involve any liabilities beyond those distinctly provided for at the outset, and may be effected without authorising any person to trade on the account of the promoters. Mr. Neale's case of a lodging-house building society, chartered at the cost of 1400*l.*, is the favourite instance to the contrary; but no practical man believes that that charter was wanted by any one except the lawyers concerned. A deed now before us, for establishing a similar association, provides completely for every object without even creating a partnership, and of course without exposing the subscribers to liability beyond their subscriptions. Gas companies are almost invariably established with unlimited liability, and the fear of it has never yet kept a town in darkness. A charter or an act is not thought of, unless the undertaking is so large as to entitle the solicitor in courtesy to such a perquisite, or powers are required to break up highways, &c.

Such being the state of the law, it is proposed that the members of a firm should be allowed to limit their liability, by a public intimation annexed to the name or the register of the partnership. What is most generally asked is the legalisation of partnerships en commandite, with the rule, that the active partners, and also every dormant partner who interferes in the management, should be fully liable. Mr. Field, however, considers that all the partners should be on the same footing with respect to liability, and asks that

\* Mr. Field here runs counter to a fundamental maxim of legislation—that there is no abstract propriety in a law, apart from the actual condition of the people, morally and otherwise.

any two or more traders—nay, that any sole trader—shall be at liberty to announce to the world, with effect, that only a certain capital is pledged for the payment of the trade debts. Our law does not say that this shall not be done, but it lends no special help to the doing of it in ordinary cases. Whoever thinks fit to make such an announcement is entitled to the benefit of it as against those whom he can fix with notice. If Sir J. Stuart, V. C., rightly held in the case of *The Sea Fire and Life Insurance Company*, (18 Jur., part 1, p. 118), that notice of the registered settlement deed of a joint-stock company is notice of the contents of the deed to all persons dealing with the company, the law has already conceded all that is asked with respect to joint-stock companies; and unless Mr. Field desires that in other cases those also shall be bound whom the announcement never in fact reached, we do not know what more he wants. It seems, then, that Mr. Field is saying to the Legislature, not “laissez faire,” but “interfere.”

The advocates of limited liability say that it is unjust and tyrannical to hinder a man from employing part of his capital in trade without becoming liable for all the trade debts. It seems to us a perfectly reasonable rule. It is reasonable that a trader should be liable for his debts in *solido*. He may make a different contract with his creditor if he can; but when he asks the State to contrive machinery to assist him in making what *prima facie* is an unreasonable arrangement, he must give better reasons than we have yet heard for the application.

Interest is the return due to capital for its use, including also, in the common meaning of the term, insurance where the capital is risked, though that is rather to be reckoned as the profits of the trade of lending money. Profits are the returns, beyond interest on capital and insurance, due to sagacity, skill, prudence, honesty, industry, and enterprise. The object of legislation should be to encourage the exercise of those qualities wherever they exist. Those who have capital, and do not possess or exercise the faculties necessary to turn it to account, have no claim to share in the reward of their exercise by others. The idle capitalist should be content to circulate his capital through the channels of the 3l. per cents. and mortgages. Even discounts are beyond his sphere. We are told that limited liability is necessary to protect small capitalists from the competition of large capitalists. This is the fallacy of changing the terms. There is no competition between large and small *capitalists*, to the peculiar detriment of the latter. On the contrary, the interest on small loans, like the rents of small houses, is always at the highest rate. If the small capitalist, seeking to eke out his interest with a share of the profits which he does not earn, finds that he must accept the risks incident to the pursuit of profits, he is not wronged. The real sufferer is the man who, possessing mercantile abilities with little capital, is prevented from exercising them by the competition of those who use both abilities and wealth. He would have reason to complain if the encouragement of mandatory partnerships superadded the competition of mere brute capital, and made his rise from the rank of clerk or *gérant* still more hopeless.

Mr. Field says that there are cheap capitals and dear capitals, and that unlimited liability makes capital dear by raising the risk. The risk incident to the adventure *per se* cannot be affected by the law of partnership; and any difference of risk in favour of a limited liability must arise either from the risk being shifted from the debtors to the creditors, (who in their dealings will charge an equivalent insurance), or from the risk being actually diminished by the limited system, or from both causes. Mr. Field relies only on the second, insisting that our law repels prudent capitalists, who

would exercise a wholesome control, and leaves the field free to those who are reckless. The proposition does not look well in an *a priori* view. Effective control, whether with limited or with unlimited liability, can only be exercised by one who advances a considerable proportion of capital—so much, that, being by the hypothesis prudent, he would not venture it if he thought there was any chance of the losses absorbing the whole. The chance of their exceeding the amount of the capital put in would, *a fortiori*, prevent his undertaking even the limited liability. Mr. Field's first instance is that of undertakings requiring a large capital to be raised by companies. “By saying that all such combinations shall be on the unlimited-liability principle, the law interposes an obstacle of risk which at once makes all capitalists embarking require great returns—which, in other words, excludes the public from the benefit of cheap capital in their undertakings.” “Cheap capital” means small profits; and as the rate of profits is not regulated by the capitalist's notion of what is an adequate return, but by the laws of demand and supply, (being always as much as he can get), the proposition amounts to this—that the risk in question either prevents a particular undertaking altogether, because the expected profits would be too small, or prevents the establishment of competing companies, and thereby enables one to enjoy a monopoly and high profits. There is no other possible mode of excluding “cheap capital.” Mr. Field, therefore, asserts, that in this country, first, useful undertakings are checked by the difficulty of procuring subscribers to them with unlimited liability; and, secondly, successful undertakings, not being legally monopolies, become so practically from the absence of competition—assertions which are notoriously contrary to experience. In every mercantile country a glut of capital, followed by wild speculation, ending in a panic, occurs periodically, like the return of a comet. It is commonly said that the period in England is seven years, in America four years. A people whose ordinary mercantile transactions are so frequently deranged by panics can have no reason to complain of the discouragement of wholesome enterprise. If capital is found for wild speculations, while there is not enough for prudent ones, it is the fault of the public judgment, not of the law.

Mr. Field's next objection to unlimited liability is, that it creates middlemen, whose profits must be charged to the public. “These middlemen are bankers, bill brokers, merchants, and others, who live on diffusing (virtually on *del credere* commission) capital, from the cautious lender to the most wildly speculative borrower;” so that, after all, the cautious lender does contribute capital to wild speculations—capital dear to the speculator, but not dear to the public. This is all that Mr. Field says on that head. If he had only paused a little before flying off to another topic, he might have discovered the fallacy of all the objections to the law founded on its assumed interference with the free employment of capital, and he might also have thought of consulting Mr. Mill, who, we presume, agrees with other economists in regarding bankers, bill brokers, merchants, and the whole class of mercantile middlemen, as the means, and the only possible means, of keeping commerce, credit, and speculation in a healthy state. Not to mention that without this police of middlemen the honest and prudent trader would be undistinguishable from, and have no advantage over, the knavish or foolish adventurer, Mr. Field has only to recall his *Anti-Corn-law* rudiments to perceive how much more frequent, violent, and disastrous the fluctuations in the supply of capital would be if it were not regulated by a class of men performing the same service in the money market that the corn merchants do in Mark-lane.

Next, the law of partnership overstocks certain trades.

But as neither explanation nor example is given, we pass to its effect on the relation of master and workman, illustrated, of course, by the contrasted example of Lowell. We almost doubt Mr. Field's candour when we find him adopting this puerility. In an under-peopled and improving country the bodily and mental faculties alone of an intelligent labourer are capital of no inconsiderable value, giving him the means and the desire to rise to a higher grade in society. The consequence is, that in America the classes of the employers and the employed melt insensibly into each other. Mr. Bancroft Davis, in his evidence before Mr. Slaney's committee of 1861, said, "I can hardly conceive of any other state of things in America. We are all working people there; and it is impossible for a gentleman who has not been there to comprehend the state of society. The differences in condition are much less marked than in Europe. There is less accumulated capital, and labour becomes capital more rapidly than in an older country. If there is any one thing that distinguishes the people in New England, it is that nobody is contented with his present condition; and that will account for a good many things which I cannot account for otherwise. Everybody is struggling for something better." (Pp. 823, 824). Is this a consequence of the law of limited liability? No. The state of society described by Mr. Davis existed before the American revolution; the law of limited liability was first enacted in New York in 1822, in Massachusetts in 1835, long after the New England States had become remarkable for their labouring partners. Mr. Wilkins, on whose authority Mr. Field relies, finds that the proportion of special partnerships to general partnerships and chartered companies is small. Mr. Gerard, a leading member of the New York Bar, says, "The proportion with us is small, as the American people are all men of business, and take an *active* part in all commercial pursuits." (Field, p. 77). We are afraid that the example of Massachusetts is not worth much. They have legalised mandatory partnerships, which they do not use; they are overrun with chartered companies, which every one condemns; (see the opinions of M.M. Troubat and Wolowski, cited by Mr. Field, p. 49); and they obstinately retain the usury laws, which they are continually evading.

It is pretended that our law discourages workmen from clubbing their savings in partnership, and masters from assisting skilful workmen to commence business. There is no truth in either statement. Unlimited liability cannot be a bugbear to one who has little capital, and puts all he has into one venture; and no country has yet been discovered in which masters shew a desire to help able workmen to set up for themselves. If the wish exists here, the relaxation of the usury laws affords ample opportunity for combining its gratification with that of self-interest.

"The law converts real partners into nominal creditors." The subject of credit is still the opprobrium both of science and of legislation. We do not pretend to have probed it to the bottom. But what is the difference, let us ask, between lending money at interest and selling goods on credit? If there is no distinction between the dormant partner sharing profits and the lender of money taking interest, then there is none between the dormant partner and the dealer supplying goods on credit at credit prices. But the differences in both cases are vital. One is this: if you agree to share profits, you agree, or ought to agree, to have some control, by way of check, at least, over the management. A creditor cannot have such control—a partner may. To trust a manager with more capital or more credit than belongs to his interest in the business tends to make him reckless, and it is expedient that they who trust him should be induced by an unlimited liability either to surround him at the outset with sufficient

checks, or to reserve and exercise the right of continuous inspection and control. That is the ground and the justification of our law of unlimited liability. It is reasonable to insist, that if several persons join in a mercantile undertaking, not only shall all be liable collectively for the full amount of the joint debts, but each shall be induced to exercise at least some caution in the selection of his associates and agents, by being made a surety for them; and we think this requisition should be universal, extending to the entire prohibition of privileged trading companies. Experience is not in favour of companies. Even in the case of railways we are finding the advantage of substituting debenture holders for subscribers, and *lessees* for directors. No one who has compared the idleness and waste in a railway fitting shop with the activity and economy of a private engineer's establishment can believe that society has anything to gain from the encouragement of joint-stock companies. The discouragement of companies would not give an undue advantage to large capitalists. Trade could be carried on with borrowed capital, but instead of being mismanaged by directors or managers, owing their position to anything rather than their fitness for discharging its duties, it would be conducted by competent men, stimulated to the most energetic and prudent use of their faculties by their responsibility for the borrowed capital, and their interest in the entire surplus profits of the undertaking. Whether at any stage in the progress of a commercial people companies are useful as pioneers is a question we need not discuss. The opinion of most observing men is, that they are not needed in this country and at this time.

The law has interfered by limiting the effect of the general notices of carriers, by prohibiting general carriers from making special contracts for the carriage of goods, &c., and we think—the *laissez faire* "principle" notwithstanding—that it would act wisely in interfering in other cases. It is a delusion to say that these are interferences with private contracts. There is no contract at all in such cases. You take your passage by a railway train, and are told on the back of your ticket that the company will not engage to keep their time, or be responsible for your luggage. You must go; there is no other way; you accept the ticket. This is no contract: it is duress. And generally, when any mercantile undertaking is started, with a large capital and limited liability, those to whom it offers its custom are under duress to accept it, however much they may dislike the limit of liability; for when such associations are allowed, you must either deal with them, or retire from business in favour of others more adventurous. The reckless debtor thus creates the reckless trader. If we were to abolish the remedy for debts altogether, we should not destroy credit, but only vitiate it. With the Oxford dealers in non-necessaries a minor is a favourite customer.

The testimony of Mr. D. D. Field, of New York, and Professor Greenleaf, is cited in favour of the results of the law in America. This does not quite agree with what we have cited above from Mr. Wilkins; and we have heard a contrary opinion strongly expressed by very competent observers; and both in America and in France the proportion of reckless speculation to the amount of capital is notoriously far greater than in England.

Mr. Field sees mischiefs arising out of the conflict of our law with the laws of other countries. A good reason for extending the best law to every country which it will suit.

Mr. Field asserts that the statistics of failed unlimited-liability companies, as compared with those of failed liability companies, prove the expediency of the change; but, until he gives us the statistics, we shall be excused for doubting the fact. His authority, Mr. Troubat, is against him here. After stating that in

France it was proposed by certain lawyers to correct the over-trading there attributed to the commandite system, by the substitution of incorporated companies with limited liability. Mr. Troubat says, (in a passage cited by Mr. Field), "Had those gentlemen come to the United States about the same time, we could have demonstrated to them, in the ruin of some scores of lean companies, savings funds societies, local companies, and banks, all exploded upon the principles they advocated in France, with acts of incorporation, the blessings to be obtained from the establishment of partnerships with nobody responsible" &c.

But, Mr. Field says, the popularity of limited-liability associations in the United States, and elsewhere where they are allowed, is an experimentum crucis in their favour. "What the world for itself finds best in a long run is commercially the best." Such an experimentum crucis would prove the utility of bubble companies, betting-houses, hells, and the like.

We heartily concur in all that Mr. Field says against the system of Board of Trade charters. It is a barbarous absurdity, and must soon be swept away; but with it we would also abolish every other mode of authorising participation in profits without *solidité*.

### LIST OF SHERIFFS AND UNDER-SHERIFFS, WITH THEIR DEPUTIES AND AGENTS, FOR 1854.

[Note.—Warrants are not granted in town for those places marked (\*). The term of office of the sheriffs, &c. for cities and towns expires on the 9th November. Office hours, in Term, from 11 till 4; and in Vacation, from 11 till 3.]

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*Undershs.*, { Ezra Eagles, jun., Esq., Bedford.  
Gustavus Thomas Taylor, 18, Featherstone-buildings, Holborn. A. U.

*Dep.*, Charles Arrowsmith, jun., 40, Devonshire-street, Queen-square.

**Berkshire**—James Joseph Wheble, Esq., Balmershe Court, Berkshire.

*Undersh.*, John Jackson Blandy, Esq., Reading.  
*Dep.*, I. S. Gregory, 1, Bedford-row.

**Berwick-upon-Tweed**—Geo. Johnston, Esq., Berwick-upon-Tweed.

*Undershs.*, { Robert Douglas, Esq., Berwick-upon-Tweed.  
Robert Horne, Esq., Berwick-upon-Tweed. A. U.

*Dep.*, W. Pringle, 3, King's-road, Bedford-row.

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*Undersh.*, Wm. Ody Hare, Esq., Small-st., Bristol.  
*Dep.*, Bridges, Mason, & Bridges, Red Lion-square.

**Buckinghamshire**—Henry Horner, Esq., Stockgrove, Leighton Buzzard.

*Undersh.*, Edward Robert Baynes, Esq., (firm of Tindal & Baynes), Aylesbury.

*Dep.*, C. Cooke, 7, Lincoln's-inn-fields.  
**Camb. & Hunts**—George William Rowley, Esq., The Priory, St. Neot's, Hunts.

*Undersh.*, George F. Maule, Esq., Huntingdon.

*Dep.*, G. L. P. Eyre, 1, John-street, Bedford-row.

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*Undersh.*, T. Thorpe De Lasaux, Esq., Canterbury.  
*Dep.*, J. Fluker, 10, Symond's-inn, Chancery-lane.

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John Hostage, Esq., Chester. A. U.

*Dep.*, Chester, Toulmin, & Chester, 11, Staple-inn.  
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*Undersh.*, John Hostage, Esq., Chester.

*Dep.*, Chester, Toulmin, & Chester, 11, Staple-inn.

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*Undersh.*, E. R. Anderson, Esq., Stonegate, York.  
*Dep.*, Samuel Jackson, 25, Bedford-row, London.

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*Undersh.*, Thomas Owen, Esq., Llangefni, Anglesey.  
*Dep.*, Abbott, Jenkins, & Abbott, 8, New-inn,  
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*Undersh.*, Henry S. Westmacott, Esq., Pwllheli.  
*Dep.*, H. S. Westmacott, 28, John-st., Bedford-row.

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 Richard Williams, Esq., Vale-street,  
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*Undersh.*, Griffith Williams, Esq., Dolgelly.  
*Dep.*, Charles Wilkin, 10, Tokenhouse-yard.

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*Undersh.*, Robert D. Harrison, Esq., Welchpool.  
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*Undersh.*, Richard A. Thomas, Esq., Carmarthen.  
*Dep.*, Williams, Hett, & Bowman, 14, Gresham-  
 street, City.

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 davery, Carmarthenshire.  
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**Glamorganshire**—William Llewellyn, Esq., Court Colman, Bridgend.

*Undersh.*, David Randall, Esq., Neath.

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\***Haverfordwest**—Henry Phelps Goode, Esq., Haverfordwest.

*Undersh.*, William Davis, Esq., Haverfordwest.

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\***Pembrokeshire**—The Hon. R. Fulke Greville, Castle Hall, near Milford Haven, Pembrokeshire.

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### London Gazette.

FRIDAY, FEBRUARY 24.

#### BANKRUPTS.

**EDWARD CAHAN** and **JAMES VICAT** the younger, Strand, Middlesex, tailors and drapers, dealers and chapmen, (carrying on business under the style or firm of Cahan & Co., the said Edward Cahan residing at 15, York-street, Covent-garden, Middlesex, and James Vicat the younger residing at Eltham, Kent), March 9 at 2, and April 13 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Clarke, 28, Bedford-row.—Petition presented Feb. 1.

**MARY BROWNE** and **JOHN READ BROWNE**, Middle-row South, Knightsbridge, Middlesex, window glass cutters, plumbers, and glaziers, (trading under the firm of Browne & Son), March 7 at 12, and April 11 at 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Asprey, 3, Bedford-row.—Petition dated Feb. 21.

**WILLIAM KIDSTON** and **FILMER KIDSTON**, North-street, Sidney-street, Mile-end, Middlesex, and Liverpool-street, Bishopsgate, London, medical and general fitters, and fixture dealers, March 9 at 11, and April 11 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Cattarns, 33, Mark-lane.—Petition filed Feb. 21.

**WILLIAM MILES**, King's Lynn, Norfolk, shipowner, dealer and chapman, March 4 at 12, and April 7 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Wilkin, 3, Farnival's-inn, Holborn.—Petition filed Feb. 22.

**WILLIAM STRAFORD VAILE**, East Greenwich, Kent, licensed victualler, March 15 at 2, and April 10 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. G. & C. Corner, 19, Tooley-street, Southwark, and 36, Mark-lane, City.—Petition filed Feb. 23.

**JAMES KINGSTON**, Reading, Berkshire, draper and leather seller, dealer and chapman, March 15 at half-past 12, and April 10 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Ashurst & Son, Old Jewry.—Petition filed Feb. 20.

**JOHN MATTHEWS BAYLEY**, Wheaton Aston, Staffordshire, beerseller and commission agent, March 6 and 27 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Motteram & Knight, Birmingham; Slaney, Newcastle-under-Lyme.—Petition dated Feb. 16.

**JOHN DUCKER**, Bilston, Staffordshire, and Warwick, Warwickshire, railway contractor and dealer in railway materials, beerseller, dealer and chapman, March 6 and 27 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. East, 45, Ann-street, Birmingham.—Petition dated Feb. 18.

**JAMES BOUGH**, Kidderminster, Worcestershire, carpet manufacturer, dealer and chapman, March 8 and April 4 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Brinton, Kidderminster; Reece, Birmingham.—Petition dated Feb. 17.

**THOMAS BROOMFIELD**, Worcester, butcher, March 11 and 27 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Knipe, Worcester; Motteram & Knight, Birmingham.—Petition dated Feb. 14.

**SAMUEL RATCLIFFE**, Stanningley, Yorkshire, shopkeeper and whitesmith, March 7 and April 4 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sol. Naylor, Leeds.—Petition dated Feb. 15.

#### MEETINGS.

**Joseph Rowe**, Hunter-street, Kent-road, Surrey, baker, March 21 at 11, Court of Bankruptcy, London, last ex.—**Wm. H. Chidwick**, Dover, Kent, tobaccoconist, March 21 at half-past 11, Court of Bankruptcy, London, last ex.—**Henry Braun**, Old Fish-street-hill, London, importer of foreign glass, March 8 at 1, Court of Bankruptcy, London, last ex.—**Edward Bladon** and **Henry Coates**, Manchester, stuff merchants, March 8 at 12, District Court of Bankruptcy, Manchester, last ex.—**Wm. Bennett**, Foster Mill, near Hebden-bridge, Yorkshire, and Harwich, near Bolton, Lancashire, cotton spinner, March 8 at 12, District Court of Bankruptcy, Manchester, last ex.—**Caleb Ambrose**, Sheerness, Kent, ironmonger, March 8 at half-past 1, Court of Bankruptcy, London, aud. ac.—**John Milnes**, Rochdale, Lancashire, wool-stapler, March 8 at 12, District Court of Bankruptcy, Manchester, aud. ac.—**Wm. Noble**, Charles-street, St. George's-in-the-East, Middlesex, wholesale stay manufacturer, March 18 at half-past 12, Court of Bankruptcy, London, fin. div.—**Josiah Brockwell**, Old Broad-st., London, merchant, March 18 at 12, Court of Bankruptcy, London, fin. div.—**William Benning**, Fleet-street, London, law bookseller, March 17 at half-past 1, Court of Bankruptcy, London, div.—**J. Nutter** and **W. Elliston**, Cambridge, brewers, March 20 at 2, Court of Bankruptcy, London, div. sep. est. of **W. Elliston**.—**George Statham**, Henrietta-street, Covent-garden, Middlesex, tailor, March 20 at 11, Court of Bankruptcy, London, fin. div.—**Samuel M. Stable**, Fenchurch-street, London, wine merchant, March 20 at 1, Court of Bankruptcy, London, fin. div.—**Robert Baxter**, Wisbeach St. Peter, Cambridgehire, currier, March 20 at 11, Court of Bankruptcy, London, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

**John J. Harris**, Cranmer-place, Waterloo-road, Surrey, brewer, March 21 at 1, Court of Bankruptcy, London.—**John Sayer** and **Wm. Sayer**, High-street, Portland-town, Middlesex, oilmen, March 18 at 11, Court of Bankruptcy, London.—**John Davis** and **Solomon Davis**, East Smithfield, Middlesex, clothiers, March 17 at half-past 12, Court of Bankruptcy, London.—**Augustus Rapp**, Cranbourne-st., Middlesex, watchmaker, March 17 at 2, Court of Bankruptcy, London.—**Richard Anderson**, Wright's-lane, Kensington, Middlesex, licensed victualler, March 20 at 12, Court of Bankruptcy, London.

*To be granted, unless an Appeal be duly entered.*

**Samuel Cooper**, Reading, Berkshire, and Brighton, Sussex, auctioneer.—**Edward Ablewhite**, Mortimer-st., Cavendish-square, Middlesex, coach builder.—**R. Bailey** the younger, Hastings, Sussex, tailor.—**Abraham Cohen**, Houndsditch, London, wholesale clothier.—**John Egan**, High-row, Knightsbridge, Middlesex, ironmonger.—**J. Whitehead** the younger, Princes-street, Lambeth, Surrey, rectifier.

#### SCOTCH SEQUESTRATIONS.

**Richard Murdoch**, Stirling, baker.—**John Mackenzie Ross**, Inverness, ironmonger.—**Walter Mercer**, Stow, woollen manufacturer.—**Thos. Gardner**, Glasgow, brickmaker.—**Charles Watt**, Bridge of Allen, innkeeper.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

**Samuel Gross**, Birmingham, commission agent, March 11 at 10, County Court of Warwickshire, at Birmingham.—**F. Pritchett**, Birmingham, huckster, March 11 at 10, County Court of Warwickshire, at Birmingham.—**William Knowles**, King's Norton, Worcestershire, coal dealer, March 11 at 10, County Court of Warwickshire, at Birmingham.—**Arthur E. B. Durant**, Bonningale, Shropshire, gentleman, March 11 at 10, County Court of Shropshire, at Madeley.—**Wm. Eardley**, Albrighton, Shropshire, saddler, March 11 at 10, County Court of Shropshire, at Madeley.—**Elizabeth Green Wait**, widow, Skinner-street, Monmouthshire, licensed victualler, March 8 at 12, County Court of Monmouthshire, at Newport.—**William Whitworth**, Caistor, Lincolnshire, carpenter, March 15 at 11, County Court of Lincolnshire, at Caistor.—**Wm. Morley**, Nottingham, inspector of licenses, March 16 at 9, County Court of Nottinghamshire, at Nottingham.—**J. Stone**, Nottingham, shoemaker, March 16 at 9, County Court of Nottinghamshire, at Nottingham.—**H. Capp**, Mansfield,



Nottinghamshire, flour seller, March 13 at 10, County Court of Nottinghamshire, at Mansfield.—*Robert A. Lafargue*, Market Rasen, Lincolnshire, clerk, March 18 at 11, County Court of Lincolnshire, at Market Rasen.—*Thomas Martin*, Tunbridge Wells, Kent, tailor, March 9 at 10, County Court of Kent, at Tunbridge Wells.—*James Kirsoy*, Hexham, Northumberland, joiner, March 22 at half-past 11, County Court of Northumberland, at Hexham.—*Francis Matson*, Sheepshead, Leicestershire, plumber, March 13 at 10, County Court of Leicestershire, at Loughborough.—*Geo. Grantham*, Headington, Oxfordshire, basket maker, March 13 at 2, County Court of Oxfordshire, at Oxford.—*Edward Parry*, Abergavenny, Monmouthshire, grocer, March 13 at 10, County Court of Monmouthshire, at Abergavenny.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*March 10 at 10, before the CHIEF COMMISSIONER.*

*Charles Spriggs Gamlyn*, Carpenter-place, Mount-street, Berkeley-square, Middlesex, carpenter.

*March 13 at 11, before the CHIEF COMMISSIONER.*

*Jos. Dedman*, Orford-row, Old Kent-road, Surrey, cheesemonger.—*Wm. Haynes*, Lambeth-walk, Lambeth, Surrey, shoemaker.

*March 13 at 11, before Mr. Commissioner PHILLIPS.*

*H. C. Biggs*, Cumberland-place, Newington-butts, Surrey, hoier.—*Samuel J. Christmas*, Cross-st., Royal-road, Walworth, Surrey, chemist.—*William Collens*, Ranelagh-grove, Fimlico, Middlesex, dealer in horses.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*March 10 at 10, before Mr. Commissioner MURPHY.*

*James Gregg*, Elm-place, Boston-road, Ealing, Brentford, Middlesex, inspector of weights and measures.

*March 11 at 11, before Mr. Commissioner PHILLIPS.*

*Harriet Hill*, Charlotte-street, Caledonian-road, Islington, Middlesex, out of business.—*Alexander Maugham*, Bridge-road, Battersea, Surrey, beer-shop keeper.

*March 13 at 10, before the CHIEF COMMISSIONER.*

*Francis Hill*, Modena-terrace, Bath-road, Asylum-road, Old Kent-road, Surrey, carpenter.—*H. Jessop*, St. Alban's-place, Edgeware-road, Paddington, Middlesex, cowkeeper.—*John Bickerton Cash*, Cannon-street, St. George's-in-the-East, Middlesex, beer-shop keeper.—*Jules G. Kammerer*, Cranbourne-st., St. Martin's, Middlesex, coffee-house keeper.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Gloucestershire, at BRISTOL,*

*March 8 at 11.*

*George J. Jones*, Bristol, mason.

*At the County Court of Berkshire, at READING, March 9 at 10.*

*Wm. Dawson, jun.*, Grove, near Wantage, baker.

*At the County Court of Durham, at DURHAM, March 10.*

*Robert Thompson*, Durham, joiner.—*John F. W. Brewer*, Hartlepool, solicitor.—*Thos. Thompson*, Durham, joiner.

*At the County Court of Leicestershire, at LEICESTER, March 15.*

*Thomas Peach*, Castle Donington, bricklayer's labourer.—*Thomas Cooke*, Thurmiston, out of business.

*INSOLVENT DEBTOR'S DIVIDEND.*

*The Rev. S. Williams*, Mager, Monmouthshire, March 7, at Mullock's, Newport, Monmouthshire: 1s. 7d. (making with former dividends 20s.) in the pound.

**TUESDAY, FEBRUARY 28.**

**BANKRUPTS.**

*JAMES WILKS*, Crimscoot-street, Bermondsey, Surrey, waggon and cart builder, wheelwright, dealer and chapman, March 10 at 1, and April 11 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Holman & Robinson, 26, Bridge-street, Southwark.—Petition filed Feb. 15.

*ROBERT NODES NEWTON*, New Park-street, Southwark, Surrey, gas engineer, (lately carrying on trade in partnership with Thomas Godfrey Payne), March 14 at 2, and April 11 at 1, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Collins, 5, Crescent-place, Bridge-street, Blackfriars.—Petition filed Feb. 18.

*WALTER FITCH HART*, Brighton and Worthing, Sussex, tailor, dealer and chapman, March 8 and April 12 at half-past 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. J. & J. H. Linklater, 17, Sise-lane, London.—Petition dated Feb. 27.

*THOMAS STANFORTH*, Sheffield, Yorkshire, joiner and builder, dealer and chapman, March 11 and April 8 at 12, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sol. Webster, Sheffield.—Petition dated and filed Feb. 24.

*JOSEPH FLINT*, Sheffield, Yorkshire, shoe manufacturer, March 11 and April 8 at 12, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sols. W. & B. Wake, Sheffield.—Petition dated Feb. 10, and filed Feb. 11.

*HENRY HUGGINS*, Manchester, wood-type cutter and printers' joiner, March 10 and 31 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sols. Hampson & Sons, Manchester.—Petition filed Feb. 17.

**MEETINGS.**

*Joseph Lomas*, Manchester, Manchester warehouseman, March 17 at 12, District Court of Bankruptcy, Manchester, last ex.—*M. A. H. Ward*, Upper Dorset-place, Clapham-road, Surrey, printer, March 15 at 12, Court of Bankruptcy, London, aud. ac.; March 21 at 11, div.—*Edward T. Lodge*, Throgmorton-street, London, stock broker, March 11 at 12, Court of Bankruptcy, London, aud. ac.—*Henry Allen*, Bristol, chemist, March 23 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Thos. Darr*, Bristol and Exeter, contractor, March 24 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*J. Jones*, Machen, Monmouthshire, coalowner, March 17 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Richard Porter*, Wm. Porter, and Robert Porter, Carlisle, Cumberland, ironfounders, March 14 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Thomas Henderson*, Newcastle-upon-Tyne, draper, March 31 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; April 4 at 11, div.—*J. Goodchild* the elder, *John Jackson*, the younger, *James Jackson*, *William Jackson*, and *Thomas Jones*, Bishopwearmouth, Durham, and Dowgate, London, bankers, March 14 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac. sep. est. of *John Jackson*.—*John Todd*, Newcastle-upon-Tyne, distiller, March 16 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Ann Crawford*, Warden, Northumberland, paper manufacturer, March 14 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Ralph Hutchinson*, Monkwearmouth Shore, Durham, ship builder, March 22 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Archibald Monat*, Creed-lane, London, wine merchant, March 21 at 12, Court of Bankruptcy, London, div.—*James O. Mason*, *John Mason*, and *Alfred Mason*, New Broad-street, London, merchants, March 23 at 11, Court of Bankruptcy, London, div.—*F. P. R. Webb*, Nicholas-lane, Lombard-street, merchant, March 22 at 1, Court of Bankruptcy, London, div.—*A. Cohen*, Houndsditch, London, wholesale clothier, March 21 at 11, Court of Bankruptcy, London, div.—*Joseph Raynes*, Nottingham, laceman, March 22 at half-past 1, Court of Bankruptcy, London, div.—*Wm. Barnfield* the younger, Mark-lane, London, wine merchant, March 22 at 1, Court of Bankruptcy, London, fin. div.—*George T. Brown*, Gloucester-terrace, New-road, Whitechapel-road, Middlesex, draper, March 21 at half-past 1, Court of Bankruptcy, London, div.—*George Booth*, Bishopwearmouth, Sunderland, Durham, shipowner, March 22 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—*Joshua Taylor*, Manchester, power-loom cloth manufacturer, March 22 at 12, District Court of Bankruptcy, Manchester, div.

**CERTIFICATES.**

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Mary Ann Thomas* and *William Thomas*, Upper King-street, Bloomsbury, and Green-street, Theobald's-road, Middlesex, builders, March 22 at 12, Court of Bankruptcy, London.—*T. Hayward*, Gloucester, pastrycook, March 27 at half-past 12, District Court of Bankruptcy, Bristol.—*Jos. Frame*, Liverpool, stationer, March 23 at 11, District Court

of Bankruptcy, Liverpool.—*Stephen Davis*, York, furrier, March 27 at 11, District Court of Bankruptcy, Leeds.—*John Strachen*, Newcastle-upon-Tyne, common brewer, March 24 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Thomas Henderson*, Newcastle-upon-Tyne, draper, April 4 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Edward Henry Street*, Exeter, Devonshire, cabinet maker, March 23 at 1, District Court of Bankruptcy, Exeter.—*William Sims*, Redruth, Cornwall, linendraper, March 23 at 1, District Court of Bankruptcy, Exeter.—*Wm. Fells*, Hulme, Lancashire, builder, March 30 at 12, District Court of Bankruptcy, Manchester.—*John Clegg*, Liverpool, licensed victualler, March 21 at 11, District Court of Bankruptcy, Liverpool.—*William Harris Spicer*, Dudley, Worcestershire, and Wolverhampton, Staffordshire, batter, April 3 at 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*Moses Draper*, High-street, Southwark, Surrey, and Ramsgate, Kent, straw-bonnet maker.—*T. Chapman* the younger, Chenes-street, Tottenham-court-road, and Great George-st., Easton-square, Middlesex, dairyman.—*George Turner*, St. George's-place, North Brixton, and Wandsworth, Surrey, baker.—*Joseph Johnson* the younger, Liverpool, estate agent.

#### SCOTCH SEQUESTRATIONS.

*Patrick Barry*, Arbroath, shipowner.—*John Annan*, Lydiox Mill, Cupar, Fife, flax spinner.—*John Smith*, Inverness, iron founder.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Joseph Bartram*, Eakring, Nottinghamshire, wheelwright, March 18 at 9, County Court of Nottinghamshire, at Newark.—*Richard Warburton*, Liverpool, stonemason, March 6 at 10, County Court of Lancashire, at Liverpool.—*Isaac Knowles*, Liverpool, butcher, March 6 at 10, County Court of Lancashire, at Liverpool.—*John Alexander Dutton*, tailor, Liverpool, March 6 at 10, County Court of Lancashire, at Liverpool.—*John Langdon*, Liverpool, shoemaker, March 6 at 10, County Court of Lancashire, at Liverpool.—*John Langdale*, West Derby, Lancashire, commission agent, March 6 at 10, County Court of Lancashire, at Liverpool.—*Thomas Guest*, Birmingham, guard-chain manufacturer, March 11 at 10, County Court of Warwickshire, at Birmingham.—*Ezekiel Woolf*, Birmingham, watchmaker, March 25 at 10, County Court of Warwickshire, at Birmingham.—*Wm. Arch*, Birmingham, butcher, March 25 at 10, County Court of Warwickshire, at Birmingham.—*John Spedding*, New Monkway, near Hensingham, Cumberland, out of business, March 21 at 10, County Court of Cumberland, at Whitehaven.—*Jonathan Daniel Sear*, Bletchley, Buckinghamshire, carpenter, March 20 at 12, County Court of Buckinghamshire, at Newport Pagnell.—*William Barnes*, Fenny Stratford, Buckinghamshire, draper, March 20 at 12, County Court of Buckinghamshire, at Newport Pagnell.—*William Hether* the younger, Swavesey, Cambridgeshire, butcher, March 18 at 10, County Court of Huntingdonshire, at Huntingdon.—*George Gardner*, Tewkesbury, Gloucestershire, out of employ, March 16 at 10, County Court of Gloucestershire, at Tewkesbury.—*David Gray*, Newcastle-upon-Tyne, tailor, March 16 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—*Samuel Hayes*, Hulme, Manchester, vanman, March 20 at 12, County Court of Lancashire, at Manchester.—*Charles Sawkins*, Gravesend, Kent, plumber, March 4 at 10, County Court of Kent, at Gravesend.—*Obadiah Dutton*, Coventry, Warwickshire, watch-case maker, March 22 at 12, County Court of Warwickshire, at Coventry.—*J. Beers*, Coventry, Warwickshire, brewer, March 22 at 12, County Court of Warwickshire, at Coventry.—*John H. Cosens*, Chilham, Kent, grocer, March 10 at 10, County Court of Kent, at Ashford.—*Walter Webb*, Biddenden, Kent, butcher, March 11 at 10, County Court of Kent, at Tenterden.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*March 15 at 10, before the CHIEF COMMISSIONER.*

*Thomas Clement*, Artillery-place, Woolwich, Kent, butcher.—*Wm. Killo*, Hatfield-place, Westminster-road, Surrey, gas

manager to the Royal Surrey Theatre.—*John Hunter*, East-hill, Wandsworth, Surrey, assistant chaplain to the Wandsworth and Clapham Union.

*March 15 at 10, before Mr. Commissioner MURPHY.*

*James Hall*, Bridge-place, City-road, Middlesex, general-shop keeper.—*Wm. R. Wright*, Plaistow, Essex, merchant's clerk.—*Wm. Hunt*, Waltham Cross, Hertfordshire, brewer.—*Mary Ann Page*, Royal Crescent-mews West, Notting-hill, Middlesex, out of business.—*William Edwards*, Kent-street, White-street, Southwark, Surrey, blacksmith.—*Charles Davis*, Tiverton-st., Newington-causeway, Southwark, Surrey, furniture broker.

*Friday, Feb. 24.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Daniel Harley*, Houndsditch, City, licensed victualler, No. 64,162 T.; *Louis Castrique*, assignee.—*Wm. P. M. Croft*, Great Windmill-st., Haymarket, Middlesex, licensed victualler, No. 64,191 T.; *James Chilton*, assignee.

*Thursday, Feb. 23.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Thos. Axtens*, Westminster-bridge-road, Lambeth, Surrey, in no business: in the Debtors Prison for London and Middlesex.—*James Carter*, Chester-place, Old Kent-road, Surrey, out of business: in the Debtors Prison for London and Middlesex.—*Ninian Craig*, Northumberland-court, Strand, Middlesex, captain 1st West India regiment: in the Debtors Prison for London and Middlesex.—*Henry Barth*, Russell-court, Drury-lane, Middlesex, bookseller: in the Debtors Prison for London and Middlesex.—*Joseph Steele*, Dame-street, Islington, Middlesex, patentee: in the Debtors Prison for London and Middlesex.—*Thomas Tarrant*, South-street, Hercules-buildings, Surrey, ironmonger: in the Queen's Prison.—*Thomas Pecker*, Blackman-street, Southwark, Surrey, photographic artist: in the Gaol of Surrey.—*Edward Flanagan*, Molyneux-st., Edgeware-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Joseph Adams*, Lower Thames-st., City, captain of a schooner: in the Debtors Prison for London and Middlesex.—*Thomas Price*, Broad-street, Lambeth-batts, Surrey, assistant to a dealer in marine stores: in the Gaol of Surrey.—*John Wood*, Lausina New-road, Peckham, Surrey, shoemaker: in the Gaol of Surrey.—*John Caldwell*, Harwich-place, Commercial-road East, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*Jeremiah T. Hooper*, Harper-mews, Theobald's-road, Middlesex, wheelwright: in the Debtors Prison for London and Middlesex.—*Thomas Raymond*, Bishop's-road, Paddington, Middlesex, auctioneer: in the Queen's Prison.—*Henry Wm. How*, Thomas-street, Hackney-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Martin Grimes*, Newton-street, Holborn, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Robert Swift*, Emma-place, Commercial-road East, Middlesex, iron bedstead maker: in the Debtors Prison for London and Middlesex.—*James Wrench*, Whittlebury-street, Euston-square, Middlesex, fly proprietor: in the Debtors Prison for London and Middlesex.—*C. Allwork*, Bloomfield-street, North Dalston, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*John Crocker*, Gooedge-street, Tottenham-court-road, Middlesex, van proprietor: in the Debtors Prison for London and Middlesex.—*Robert Sandys*, Connaught-terrace, Limehouse, Middlesex, master mariner: in the Debtors Prison for London and Middlesex.—*Charles P. D'Azene*, Essex-street, Strand, Middlesex, of no business: in the Queen's Prison.

*Saturday, Feb. 25.*

*(On their own Petitions).*

*Wm. Moon*, Preston, Lancashire, out of business: in the Gaol of Lancaster.—*John H. Baker*, Langley Broom, Langley Marsh, Buckinghamshire, out of business: in the Gaol of Aylesbury.—*Elam Sims*, Tredegar, Monmouthshire, gentleman's servant: in the Gaol of Monmouth.—*Mary A. Culmer*, widow, Dover, Kent, milliner: in the Gaol of Dover.—*Caleb Gilbert*, Coad, Craswell Clodcock, Herefordshire, farmer: in the Gaol of Hereford.—*Wm. Eastwood*, Kirk Heaton, near Huddersfield, Yorkshire, out of business: in the Gaol of

York.—*James Ralrick*, Horton, near Bradford, Yorkshire, tailor: in the Gaol of York.—*John Jennings*, Manchester, out of business: in the Gaol of Lancaster.—*Edward Pearson*, Preston, Lancashire, out of business: in the Gaol of Lancaster.—*W. Wharton*, Longfield-hill, near Gravesend, Kent, farmer: in the Gaol of Maidstone.—*John Poole*, Dover, Kent, confectioner: in the Gaol of Dover.—*J. Hart*, Brighton, Sussex, retailer of beer: in the Gaol of Lewes.—*R. Williams*, Cathay, Bristol, rag dealer: in the Gaol of Bristol.—*Thomas Fossil*, Manchester, commission agent: in the Gaol of Manchester.—*A. Mathison*, Manchester, brewer's traveller: in the Gaol of Manchester.—*F. Draffen*, Hulme, Manchester, tailor: in the Gaol of Manchester.—*F. P. Toms*, Kingsbridge, Devonshire, lieutenant in the Royal Marines: in the Gaol of St. Thomas-the-Apostle.—*Wm. Ash*, Cotts Beeralstone, Devonshire, miner: in the Gaol of St. Thomas-the-Apostle.—*J. Bond Cooke*, Rugby, Warwickshire, out of business: in the Gaol of Coventry.—*Richard Thomas Hart*, Wilmington, near Dartford, Kent, licensed victualler: in the Gaol of Maidstone.—*Robert Gibson*, Wigan, Lancashire, out of business: in the Gaol of Lancaster.—*Chas. McCluskey*, Manchester, commercial traveller: in the Gaol of Lancaster.—*George Foster*, Southport, Lancashire, joiner: in the Gaol of Lancaster.—*John Croft*, Ashton-under-Lyne, Lancashire, out of business: in the Gaol of Lancaster.—*William Carter Stafford Percy*, Hulme, Manchester, machinist: in the Gaol of Lancaster.—*Chas. Edw. Chadwick*, Hulme, Manchester, out of business: in the Gaol of Lancaster.—*Richard Williams*, Liverpool, pilot: in the Gaol of Lancaster.—*Wm. Moore*, South Shore, Blackpool, Lancashire, painter: in the Gaol of Lancaster.—*Edward Holmes*, Manchester, out of business: in the Gaol of Lancaster.—*Jas. Morton*, Manchester, out of business: in the Gaol of Lancaster.—*John Shaw*, Rochdale, Lancashire, woolstapler: in the Gaol of Lancaster.—*George Rothwell*, Rochdale, Lancashire, woolstapler: in the Gaol of Lancaster.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*March 14 at 10, before Mr. Commissioner MURPHY.*

*Thomas Henry Brewer*, Chryssel-road, North Brixton, Surrey, housekeeper.

*March 15 at 10, before the CHIEF COMMISSIONER.*

*John Clarke Catling*, Marlborough-terrace, Marlborough-road, Queen's-road, Dalston, Middlesex, architect.

#### INSOLVENT DEBTORS' DIVIDENDS.

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LONDON, MARCH 11, 1854.

THE Court of Chancery, formerly the most unpopular tribunal in the kingdom, has now so far relieved itself from the opprobrium of its immemorial abuses and oppressive exactions, that in many respects it is considered by competent authorities as a sort of model court, the procedure of which may be generally imitated with advantage to the suitors and the public. The causes which have brought about this happy change are sufficiently obvious: the credit is due, in the first instance, to the enlightened inquiries of the Chancery Commissioners, and, in the second place, to Lord St. Leonards, to whose experienced hands was intrusted the task of moulding into a simple and comprehensive system the reforms which the commissioners had sketched in outline. Some thirty years ago Lord Brougham declared that "no man, who ever put a forensic habit on his back, would think of advising a suit in equity to recover 50%, 80%, or 100%. Can there, then, be a greater libel upon the law of a country than to say that a man must be kept out of his right, because, if he sought it, the costs of the Court of Chancery will be his inevitable ruin?" If the noble and learned Lord were now to put the same question, the answer fortunately would

be of a very different description; for, owing to the simplification of Chancery procedure, the reduction in expenses, and the increased judicial staff of the Court, the suitor has no longer any occasion to dread those "eternal gates," the terrors of which were so powerfully described by the same great authority. The business of the Court now flows on in one unimpeded stream, and that "fresh pasture, which is the sweetest," is always to be obtained both in the courts of the first instance and in the court of appeal; though, in reference to the latter tribunal, we may observe that it is somewhat unjust as well as anomalous; that the suitor has no certainty whether his case will be heard by the full Court, or by the two Lords Justices, or by the Chancellor sitting alone. If there be any advantage in having the opinion of three judges, or of two judges, instead of that of a single judge, the suitor should be entitled to claim this advantage as a right, instead of obtaining it, as he does now, as a mere matter of chance.

In confirmation of the present satisfactory state of Chancery procedure, we may mention that the Divorce Commissioners, as well as the Commissioners appointed to consider the question of testamentary jurisdiction, have both recommended, that in the new divorce court, which, perhaps, is to be constituted, and in the new probate court, which is not to be constituted, the Chancery mode of procedure should be generally followed. The former say, "that in general the process, practice and pleading of the Court of Chancery, as recently improved, with such additions as may be beneficially derived from the ecclesiastical system." The recommendations of the latter need no observation, now that they have been ignored, and the general plan of reform suggested by Sir R. Bethell, and sanctioned by the high

authority of the Master of the Rolls and Sir James Graham, has been adopted by the Lord Chancellor. This view of the practical effects of the system introduced by Lord St. Leonards into Chancery has been acted upon by the Lord Chancellor in the measure which he introduced some short time ago for the transfer to the Court of Chancery of the testamentary jurisdiction at present exercised by the Ecclesiastical Courts. In fact, it was scarcely possible for his Lordship to have adopted any other course; for, as we have already observed, the Chancery Commissioners recommended that the system of procedure in the new court of probate which they proposed to establish, in all essential particulars, should be the amended procedure of the Court of Chancery. Although the interests of Doctors' Commons were very fairly represented on the commission, it certainly would have been something more than a mistake if the Lord Chancellor had sanctioned the constitution of a new and separate tribunal merely for the purpose of continuing the monopoly of the testamentary business of the country in the hands of the practitioners of Doctors' Commons. The Queen's Advocate dissented from the report in toto; Sir G. J. Turner, L. J., Sir R. T. Kindersley, V. C., Sir W. P. Wood, V. C., and Sir J. Dodson were in favour of adding the testamentary business to the Court of Chancery, to be administered on a separate and distinct system, as the appellate bankruptcy jurisdiction is now administered; and the Master of the Rolls, Sir James Graham, and the Solicitor-General were of opinion that the most expedient course would be to carry this business to that court which already possessed the largest share of testamentary jurisdiction—namely, the Court of Chancery. The majority of the commissioners recommended that appeals from the proposed new court should be taken in the first instance to the Court of Appeal in Chancery, thereby shewing that to some extent they were willing that this description of business should go to the Court of Chancery. The Chancellor, exercising, as we hold, a very wise discretion, adopted the views of the minority; for if he had not done so, the case would have stood practically thus—the general procedure was to be that of the Court of Chancery, the appeal was to be to the Lords Justices, and yet a new court was to be constituted! The suitors and the public would naturally inquire, for what purpose? The only answer which could be given would be this—for the benefit of one particular class of practitioners, whose rights are still to be so tenderly regarded by the Legislature, that for a limited period they are to have a monopoly of all the common-form business. The Parliament and people of this country have always regarded with jealousy and suspicion proposals for the establishment of new courts; and much as they may rejoice that the Court of Chancery has, in the fulness of time, undergone a thorough and efficient reformation, we believe no law reformer would have the moral courage deliberately to propose that a new court should be established as a second Court of Chancery in everything but the name. The measure of the Chancellor follows in every particular the scheme of reform which was propounded to Parliament by the Solicitor-General in April last. It sweeps away all the multitudinous, inconvenient, and expensive local

jurisdictions, substituting district offices, in which wills of personalty up to 1800*l.* may be proved in common form. All contentious jurisdiction is for the future to be exercised by the Court of Chancery, and it is not anticipated that the amount of business to be transacted will throw much additional labour on the judges. The noble and learned Lord stated that it would occupy about sixty days in the year, which, divided between the four Chancery judges of the first instance, would be fifteen days for each. But if the facility which for the future will be afforded to suitors, in having all questions relating to wills decided expeditiously and economically by the same Court, should occasion a sensible increase in this description of business, the only course which then would be necessary would be to appoint an additional Vice-Chancellor, the expense of which neither Parliament nor the country could with any propriety begrudge. We repeat, that the principle of the measure is sound, inasmuch as it concentrates in one tribunal that jurisdiction which was arbitrarily and inconveniently divided amongst several tribunals, all having separate courts of appeal. If the Court of Chancery were empowered to summon juries to decide questions of fact relating to wills, or if the parties were permitted by consent to take the opinion of a judge on such questions, with the limitations suggested by the Common-law Commissioners, there would then be no necessity to invoke the aid of any other Court whatever. It is proposed that the probate should be valid for the whole of England. It is not necessary to dwell upon the obvious advantages which must arise from the abolition of the doctrine of *bona notabilia*; but the noble and learned Lord, to render his measure complete, should make provision by which one probate should be valid and effectual for the whole of the United Kingdom. We believe that there are no differences even in the Scottish system, which is the most dissimilar to our own, which would prevent this arrangement from being easily made. An impression prevails that divorce cases will be taken to the common-law courts, instead of the mixed tribunal which the commissioners recommend. This, perhaps, would be the most judicious course, for the constitution of a new court, without the most overwhelming grounds of necessity, is a measure which experience shews Parliament will not readily sanction. We trust, that whatever course may be adopted in reference to this extremely difficult and delicate subject, husband and wife, as a matter of justice, will be put on an equality with respect to both kinds of divorces. The commissioners say that "*divorces à mensa et thoro* are little more than separations—they only last until the parties think fit to be reconciled—and they are granted at the suit of the husband or wife, where the gross misconduct of either of them, such as cruelty, adultery, or the like, has rendered it impracticable for them to live together." They further say, that "*divorces à vinculo* should be allowed for adultery, and for adultery only; that *divorces à vinculo* should be granted on the suit of the husband, but that the wife should only have a right to apply for divorce *à vinculo* in cases of aggravated enormity, such as incest and bigamy." We confess that we can see no sufficient sanction for this distinction, on either moral or religious grounds, and we trust that it will be reconsidered before any measure on the subject is introduced into Parliament.

## Correspondence.

## WESTMINSTER IMPROVEMENT BONDS.

TO THE EDITOR OF "THE JURIST."

SIR,—It is extremely important that the statements made in a leading article of THE JURIST should be correct, not only as to the law, but as to the facts from which its inferences are drawn. It is more especially so when the subject of the article is the value and effect of securities current in the market, such as Westminster Improvement Bonds. I lose, therefore, no time in calling your attention to an omission in your article of last week on that subject, namely, that its writer did not refer to, and was doubtless not supplied with, a copy of the Westminster Improvement Act of last session, (16 & 17 Vict. c. clxxvi, local and personal), being "An Act to amend and enlarge the Powers and Provisions of the Westminster Improvement Acts, 1845, 1847, and 1850."

On a very recent occasion the four acts were laid before me, to ascertain the effect and operation of the bonds, which seem to me, as far as they are affected by the first three acts, correctly set out in your article. The commissioners are incorporated, with powers to make certain improvements, and are required to give security for the completion of a portion of such improvements, namely, in the amount of 10,000*l.* for the completion of Victoria-street, and 5000*l.* for the completion of a secondary street. They are authorised to enter into this security themselves, and the profits of the undertaking are to be paid to the parties giving such security, who are thus, in consideration of this limited liability, placed in the position of the shareholders of an incorporated company, of which the entire capital has been paid up. As such a corporation, the commissioners are empowered to borrow any sum of money which they shall judge necessary for the undertaking, (*Horton v. The Westminster Improvement Commissioners*, 7 Exch. 780)—that is, the entire working capital—the lenders of which are therefore the parties at whose risk their operations are carried on. There were, however, certain public grants or charges in aid of the undertaking, namely, 50,000*l.*, which the Commissioners of Public Works (Woods and Forests) were authorised to apply in its aid after the opening of Victoria-street, and three sums of 30,000*l.*, 20,000*l.*, and 3000*l.*, which are charged upon the probable increased value of the poor and highway rates, to be derived from the houses to be erected on the land of the commissioners—the two first after the ascertainment of a certain expenditure, the last with the consent of the vestries of the parishes of St. Margaret and St. John, Westminster; any interim deficiency, however, in the rates is charged on the undertaking in favour of the parishes.

The act of 1853, after noticing that Victoria-street had been completed, and the security for 10,000*l.* vacated, directs that the security for 5000*l.* shall be given, and enlarges the powers of the commissioners. It reenacts their borrowing powers, authorises them to lend money, and to erect and purchase houses themselves, (ss. 64 et seq.); it shows that the Commissioners of Public Works have advanced 30,000*l.* on the security of a mortgage and bond, and that another sum of 30,000*l.* is specifically charged on certain portions of the land in favour of a private mortgage; and in sects. 75, 76, and 78, discloses circumstances which may materially affect the bondholders—namely, that on the 26th May, 1852, the commissioners executed a mortgage and deed of settlement for securing the performance of bonds granted pursuant thereto, and which deeds the statute confirms. It thus provides that previous bondholders may exchange their bonds, so as to become entitled to the benefit of the mortgage, and

saves any right of priority which they might otherwise have possessed. That right of priority would, I imagine, be any right obtained by a previous mortgage, or by registering judgment in an action on a bond. The proviso as to the liability of the corporate property alone does not appear to me to operate as a charge, but is simply expressio eorum que tacite insunt. (*The Sunderland Marine Insurance Company v. Kearney*, 15 Jur. 1006). It is, of course, impossible to speak with certainty as to this deed without inspecting it, but it seems probable that its object was to vest the property in trustees for the benefit of all the bond creditors rateably, and that of the two mortgages. The general act, 10 Vict. c. 16, which bears the same relation to commissioners for carrying on public works that the Companies Clauses Consolidation Act does to public joint-stock companies, and contains a similar provision for charging mortgages pro rata, without priority, does not seem to be incorporated with any of the Westminster Improvement Acts; hence the necessity for this trust deed. The probable result will be, that all bond creditors will share equally. Bond creditors under this deed can only enforce their securities according to its provisions, while previous bond creditors will probably be obliged to accept fresh bonds under it, unless the commissioners prefer to pay them off. Any right or remedy to which they might be entitled on obtaining judgment adversely to the proposed arrangement, could only operate a second charge on the real estate of the corporation after satisfaction of the bonds granted pursuant to the deed.

T. J. B.

## COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.

The Lord Chancellor, under the powers of the 16 & 17 Vict. c. 78, intituled "An Act relating to the Appointment of Persons to administer Oaths in Chancery, and to Affidavits made for Purposes connected with Registration," has appointed the following gentlemen to be Commissioners for administering Oaths in Chancery:—

*To be London Commissioners.*

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Charles Rogers, 22, Manchester-buildings, Westminster.  
Frederick William Remnant, 52, Lincoln's-inn-fields.  
John Henry Benbow, 1, Stone-buildings, Lincoln's-inn.  
William Hope Whidbey Burnett, 3, Serjeants'-inn, Fleet-street.  
William Blackman, 1, Raymond-buildings, Gray's-inn.  
Jones Spyer, 30, Broad-street-buildings, City.  
Willoughby Raimondi, 23, Surrey-street, Strand.  
Frederick Kidman Parkinson, 37, John-street, Bedford-row.  
Henry Maltby, 7, Bank-buildings, City.  
William Francis Low, 67, Wimpole-street, Cavendish-square.  
Henry Tayler, 15, Church-street, Spitalfields.  
Frederick Maples, 6, Frederick's-place, Old Jewry.  
William Henry Rymer, 5, Whitehall, Westminster.  
Robert George Smith, 5, New-inn, St. Clement Dances.  
John Frederick Isaacson, 40, Norfolk-street, Strand.  
James Lane, 63, Chancery-lane, and 61, Gracechurch-street, City.

*To be Commissioners in England.*

George Harrison Gardner, Windermere, Westmorland.  
Charles Thomas Phillips, New Windsor, Berkshire.  
John Henry Wade, Pudsey, West Riding of Yorkshire.  
Thomas Forster, Brampton, Cumberland.  
Charles Reginald Gibson, Dartford, Kent.  
William Charles Cripps, Tunbridge Wells, Kent.  
William Marshall, Durham.  
Charles Anthony Branson, Sheffield.



## London Gazette.

FRIDAY, MARCH 3.

## BANKRUPTS.

**ROBERT MULLOCK WRIGHT and JOSEPH SMITH ANSTIE**, Broken Wharf, Upper Thames-st., London, drysalers, dealers and chapmen, March 8 at 2, and April 22 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Whittington, 2, Dean-street, Finsbury.—Petition dated March 1.

**ALFRED EYRE**, Norland-square, Notting-hill, Middlesex, merchant, dealer and chapman, (carrying on business at Lombard-street Chambers, Clement's-lane, Lombard-street, London, under the style or firm of Alfred Eyre & Co.), March 14 at 12, and April 11 at half-past 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Dimmock & Burby, Suffolk-lane.—Petition filed Feb. 28.

**DAVID HOWELL**, formerly of Eldon-road, Victoria-road, Kensington, Middlesex, afterwards of Lamb's Conduit-st., Middlesex, and now of Serjeants'-inn, Fleet-street, London, builder, dealer and chapman, March 16 at 1, and April 13 at half-past 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Charlton, 18, Southampton-street, Fitzroy-square.—Petition filed Feb. 25.

**ROBERT NODDES NEWTON and THOMAS GODFREY PAYNE**, New Park-street, Southwark, Surrey, gas engineers, dealers and chapmen, March 14 at 2, and April 11 at 1, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Lindsay & Mason, 84, Basinghall-street, London.—Petition filed Feb. 23.

**CHARLES HOUSLEY**, Broad-street, Golden-square, Middlesex, surgeon and apothecary, March 14 at 1, and April 11 at 2, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Preston, 10, Austin-friars, London.—Petition filed March 1.

**JOB EGGLESTON**, St. Alban's, Hertfordshire, licensed victualler, dealer and chapman, March 14 and April 10 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Buchanan, 8, Basinghall-street, London.—Petition filed Feb. 28.

**JAMES DOWELL**, Birmingham, chemist and druggist, March 21 and April 11 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Smith, Birmingham.—Petition dated Feb. 19.

**HENRY ENDACOTE**, Okehampton, Devonshire, innkeeper, March 14 and April 19 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Fryer, Exeter.—Petition filed Feb. 28.

**ISAAC BLACKBURN and WILLIAM SIGISMUND STIEBEL**, Leeds, Yorkshire, ironfounders and engine builders, March 17 and April 7 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Taylor, Bradford; Blackburn, Leeds.—Petition dated Feb. 22.

**JOSEPH HORNE**, Leeds, Yorkshire, dyer, dealer and chapman, March 23 and April 7 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sol. Middleton, Leeds.—Petition dated March 2.

**JOHN WHITMEY**, Birkenhead, Cheshire, currier and leather dealer, March 14 and April 4 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sol. Tyrer, Liverpool.—Petition filed Feb. 24.

**THOMAS TEBBUTT**, Manchester, merchant, dealer and chapman, March 23 and April 27 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sols. W. & T. Norris, Manchester.—Petition filed Feb. 28.

**JAMES MITCHELL LAWTON**, Manchester, woollen and fustian warehouseman, dealer and chapman, March 15 and April 5 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Sale & Co., Manchester.—Petition filed Feb. 21.

**JOSIAH BRADWELL**, Manchester, butcher, March 17 and April 7 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sol. Heath, Manchester.—Petition filed Feb. 21.

## MEETINGS.

*S. Massey*, Stourbridge, Worcestershire, clothier, March 15 at 12, District Court of Bankruptcy, Birmingham, ch. ass.—*Thomas Ward*, Goswell-street, Middlesex, hosier, March 14 at half-past 12, Court of Bankruptcy, London, last ex.—

*Robert F. Cooper*, Three Colt-street, Limehouse, Middlesex, oilman, March 15 at half-past 12, Court of Bankruptcy, London, last ex.—*Robert F. Miller*, Hammersmith, Middlesex, coach builder, March 15 at 12, Court of Bankruptcy, London, last ex.—*John Dent*, Queen's-road, Homerton, Middlesex, carpenter, March 23 at 2, Court of Bankruptcy, London, and ac.—*John Tomkinson*, Liverpool, and Runcorn, Cheshire, stonemason, March 14 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Edward H. Street*, Exeter, Devonshire, cabinet maker, March 14 at 1, District Court of Bankruptcy, Exeter, aud. ac.; March 30 at 1, div.—*John Villa*, Exeter, Devonshire, builder, March 14 at 1, District Court of Bankruptcy, Exeter, aud. ac.—*George K. Kent*, Taunton, Somersetshire, plumber, March 14 at 1, District Court of Bankruptcy, Exeter, aud. ac.; March 30 at 1, div.—*Wm. Sims*, Redruth, Cornwall, linendraper, March 14 at 1, District Court of Bankruptcy, Exeter, aud. ac.; March 30 at 1, div.—*Richard Edward Saxton*, Crich, near Alfreton, Derbyshire, jeweller, March 24 at 10, District Court of Bankruptcy, Nottingham, aud. ac.—*George Bennett*, Birmingham, licensed victualler, March 13 at 10, District Court of Bankruptcy, Birmingham, aud. ac.—*Joseph T. Clay*, Rastrick, Halifax, Yorkshire, fancy cloth manufacturer, March 27 at half-past 11, District Court of Bankruptcy, Leeds, aud. ac.; at 12, div.—*Noah G. Bond*, Huddersfield, Yorkshire, bookseller, March 28 at half-past 11, District Court of Bankruptcy, Leeds, aud. ac. and second and fin. div.—*Wm. Noble*, (and not *Moble*, as before advertised), Charles-street, St. George's-in-the-East, Middlesex, stay manufacturer, March 18 at half-past 12, Court of Bankruptcy, London, fin. div.—*Arthur R. Homersham*, Russell-street, Bermondsey, Surrey, woollapler, March 25 at 12, Court of Bankruptcy, London, fin. div.—*Henry Johnson*, York-buildings, Adelphi, Middlesex, coal merchant, March 25 at 1, Court of Bankruptcy, London, fin. div.—*Donald Maclean*, Upper Brook-street, Grosvenor-sq., Middlesex, and Wotton Castle and Woodhouse-close Colliery, Bishop Auckland, Durham, brick maker, March 30 at 2, Court of Bankruptcy, London, div.—*Joshua Greaves*, Fish-street-hill, London, leather seller, March 24 at 11, Court of Bankruptcy, London, fin. div.—*Thomas Johnson*, Broad-street-buildings, London, merchant, March 27 at 1, Court of Bankruptcy, London, div.—*J. Hollis*, Bishopstoke, Southampton, miller, March 27 at half-past 12, Court of Bankruptcy, London, div.—*James Kaye*, Bridge-row Wharf, Pimlico, Middlesex, coal merchant, March 27 at half-past 12, Court of Bankruptcy, London, div.—*E. Thomas*, Ebury-st., Pimlico, Middlesex, builder, March 24 at 12, Court of Bankruptcy, London, div.—*George Hennel*, Duke-street, Westminster, Middlesex, railway contractor, March 24 at half-past 11, Court of Bankruptcy, London, div.—*John Bedford*, Wakefield, Yorkshire, cloth merchant, March 24 at 11, District Court of Bankruptcy, Leeds, div.—*John Spencer* and *Joseph Pullan*, Thornton, Bradford, Yorkshire, top makers, March 24 at 11, District Court of Bankruptcy, Leeds, div. sep. est. of *John Spencer*.—*John Howitt*, Sheffield Moor, near Sheffield, Yorkshire, draper, March 25 at half-past 12, District Court of Bankruptcy, Sheffield, div.—*Adam Watson*, *George Mackenzie*, and *Murdock Mackenzie*, Liverpool, ship brokers, March 24 at 11, District Court of Bankruptcy, Liverpool, fin. div. sep. est. of *Murdock Mackenzie*.—*John Robert Gibson*, Liverpool, innkeeper, March 24 at 11, District Court of Bankruptcy, Liverpool, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*John Taylor* the younger, Charlton, Kent, builder, March 24 at 2, Court of Bankruptcy, London.—*Albert Hardwick*, Windsor, Berkshire, linendraper, March 24 at 12, Court of Bankruptcy, London.—*Charles R. Roper*, Church-street and Bohemia-place, Hackney, Middlesex, chemist, March 24 at 1, Court of Bankruptcy, London.—*James L. Lane*, Norwood, Surrey, brewer, March 24 at 11, Court of Bankruptcy, London.—*Thomas Frudd*, Manchester, innkeeper, March 28 at 12, District Court of Bankruptcy, Leeds.—*Michael Robinson*, Halifax, Yorkshire, linendraper, March 24 at 11, District Court of Bankruptcy, Leeds.—*John Howitt*, Sheffield Moor, near Sheffield, Yorkshire, draper, March 25 at 12, District Court of Bankruptcy, Sheffield.—*Wm. Branton*, Bradford, Yorkshire, joiner, March 24 at 11, District Court of Bankruptcy, Leeds.



*To be granted, unless an Appeal be duly entered.*

*Henry Chown*, St. Swithin's-lane, London, and Croydon, Surrey, wine merchant.—*Charles John Webb*, Leadenhall-street, London, silversmith.—*Eliza M' Crow*, James-street, Featherstone-street, City-road, Middlesex, linendraper.—*Jas. Black*, Vulcan-wharf, Earl-street, Blackfriars, London, iron merchant.—*Robert Alfred Dorrington*, Manchester, woollen-cloth merchant.

#### PETITION ANNULLED.

*Robt. Sorton Parry*, Leadenhall-st., London, bookseller.

#### PARTNERSHIP DISSOLVED.

*Richard D. Williams and Hugh Jones*, Carnarvon, attornies and solicitors, (under the style or firm of Lloyd, Roberts, Williams, and Jones).

#### SCOTCH SEQUESTRATIONS.

*John Holiday & Co.*, Glasgow, machine makers.—*John Barker & Sons*, Gordon's Mills, near Aberdeen, manufacturers.—*William Archibald*, junior, & Co., Alva, Stirlingshire, manufacturers.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Nathan Negus*, Bocking, Essex, mattress maker, March 24 at 12, County Court of Essex, at Braintree.—*Alfred William Bunting*, Elham, Kent, baker, March 16 at 10, County Court of Kent, at Folkestone.—*James Booth*, Halifax, Yorkshire, dealer in meal, March 17 at 10, County Court of Yorkshire, at Halifax.—*George Nicholson Simpson*, Morpeth, Northumberland, mercer, March 31 at 10, County Court of Northumberland, at Morpeth.—*Wm. Thomas*, St. Thomas, Swansea, Glamorganshire, out of business, March 14 at 10, County Court of Glamorganshire, at Swansea.—*R. Williams*, Llanfachreth, Anglesey, innkeeper, March 21 at 10, County Court of Anglesey, at Llangefni.—*Evan Lloyd*, Holyhead, Anglesey, porter, March 21 at 10, County Court of Anglesey, at Llangefni.—*John Carter*, Kingston-upon-Hull, out of business, March 17 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*John Jackson*, Kingston-upon-Hull, printer, March 17 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*Thomas Smith*, Great Horton, near Bradford, Yorkshire, out of business, March 21 at 11, County Court of Yorkshire, at Bradford.—*William Pretti*, Canterbury, Kent, plumber, March 21 at 11, County Court of Kent, at Canterbury.—*Stephen Stock Gower*, Stratton Hall, near Nacton, Suffolk, farm steward, March 18 at 10, County Court of Suffolk, at Woodbridge.—*Samuel Clarke*, Weybread, Suffolk, millwright, March 13 at 1, County Court of Norfolk, at Harleston.—*Joseph Mellor*, Oldham, Lancaster, twiner, March 10 at 12, County Court of Lancashire, at Oldham.—*Thomas Blake*, Canterbury, Kent, ironmonger's clerk, March 21 at 11, County Court of Kent, at Canterbury.—*Thomas Griffin*, Hastings, Sussex, news agent, March 20 at 11, County Court of Sussex, at Hastings.—*H. Williams*, Llangefni, Anglesey, hatter, March 21 at 10, County Court of Anglesey, at Llangefni.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*March 17 at 10, before the CHIEF COMMISSIONER.*

*J. Braid*, Lancelot-place, Trevor-square, Knightsbridge, Middlesex, dealer in marine stores.—*Harding Sawyer*, Union-crescent, Union-st., Kingsland-road, Middlesex, blacksmith.

*March 18 at 11, before Mr. Commissioner PHILLIPS.*

*Wm. Henry Britton*, Heath-street, Hampstead, Middlesex, plumber.—*Wm. Timson*, Prince Patrick-place, Mill-wall, Poplar, Middlesex, coffee-house keeper.—*William Penfold*, Hyde-place, Hoxton Old-town, Middlesex, locksmith.—*Wm. Squires*, Three Colt-street, Old Ford, Bow, Middlesex, dealer in marine stores.—*Charles Ball*, Charlwood-place, Churton-street, Fimlico, Middlesex, editor of a newspaper.

*March 20 at 11, before the CHIEF COMMISSIONER.*

*Thomas Rawlings*, Dover-place West, Kent-street-road, Southwark, Surrey, tailor.—*Francis W. Williams*, East Har-

ding-street, Fetter-lane, London, traveller to an umbrella manufacturer.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*March 17 at 10, before the CHIEF COMMISSIONER.*

*John Weale*, Tyler-street, Regent-street, Middlesex, out of business.—*Charles Barnard*, Nicholl-square, Cripplegate, London, silversmith.—*George Harrison*, Drummond-street, Euston-square, St. Pancras, Middlesex, letter carrier.—*Joseph West*, West Smithfield, London, licensed victualler.

*March 17 at 10, before Mr. Commissioner MURPHY.*

*Thomas Sheppard*, Mitford-road, Hornsey-road, Holloway, Middlesex, fishmonger.—*John Joseph Hedley*, Henry-street, Sidney-sq., Commercial-road East, Middlesex, patent windlass manufacturer.—*George Banks*, Wilmington, Kent, baker.—*Richard Davis*, Princes-street, Bedford-row, Middlesex, servant to a cowkeeper.

*March 18 at 11, before Mr. Commissioner PHILLIPS.*

*W. C. Wood*, Matson-terrace, Kingsland-road, Middlesex, clerk in an insurance office.—*Catherine Helena Lucas*, prisoner for debt in the Queen's Prison, Surrey, in no profession.

*March 20 at 11, before Mr. Commissioner PHILLIPS.*

*Levi Gouldstone*, Ball's Pond-road, Middlesex, tea dealer.—*James Carter*, Chester-place, Old Kent-road, Surrey, out of business.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Devonshire, at EXETER, March 14 at 10.*

*Thomas Prout*, Plymouth, accountant.—*William Cawsey*, Sidmouth, artist.

*At the County Court of Gloucestershire, at BRISTOL, March 15 at 11.*

*Robert Williams*, Cathay, Bristol, rag dealer.

*At the County Court of Worcestershire, at WORCESTER, March 15 at 10.*

*William Cotton*, Moseley, King's Norton, timber merchant.

*At the County Court of Northumberland, at NEWCASTLE-UPON-TYNE, March 16 at 10.*

*James Mort*, Newcastle-upon-Tyne, hatter.—*Jonathan Fawcett*, Newcastle-upon-Tyne, draper's assistant.

*At the County Court of Nottinghamshire, at NOTTINGHAM, March 16 at 9.*

*John Bland*, Nottingham, out of business.

*At the County Court of Lancashire, at LANCASTER, March 17 at 12.*

*Samuel Woodall and James Bebbington*, Chorlton-upon-Medlock, Manchester, bakers.—*Thomas Marriott*, Hulme, Manchester, salesman.—*W. Binks*, Manchester, bookkeeper.—*Charles E. Chadwick*, Hulme, Manchester, out of business.—*Charles M'Clunan*, Manchester, commercial traveller.—*W. Taylor*, Blackburn, earthenware manufacturer.—*G. Foster*, Southport, joiner.—*Wm. Moore*, Southshore, painter.—*Wm. Moon*, Preston, out of business.—*Edward Pearson*, Preston, out of business.—*Peter Johnstone*, Blackburn, out of business.—*E. Hesketh*, Fernacre, Cheetham-hill, near Manchester, grocer.—*Thomas Hobson*, Manchester, beer-seller.—*Robert Simon*, Stretford, near Manchester, commission agent.—*D. Woodhead*, Hulme, Manchester, out of business.—*John Jennings*, Manchester, out of business.—*Thomas Axon*, Manchester, joiner.—*Edwin Townley*, Manchester, baker.—*Edward Holmes*, Cheetham, Manchester, out of business.—*J. Shaw and George Rothwell*, Rochdale, woolstaplers.—*Wm. C. S. Percy*, Hulme, Manchester, machinist.—*Richard Williams*, Liverpool, pilot.—*Wm. Sandbach*, Salford, out of business.—*John Croft*, Ashton-under-Lyne, out of business.—*John Daniels*, Manchester, venetian blind manufacturer.—*Thomas Formby*, Blackburn, leather dealer.—*William Radcliffe*, Oldham, assistant to a woollen rag dealer.—*Richard Hall*, Bury, joiner.

*At the County Court of Hampshire, at WINCHESTER, March 17.*

*George White*, Hill, Millbrook, Southampton, boiler maker's

assistant.—*Thomas Colley*, Southsea, shipwright in her Majesty's Dockyard at Portsmouth.—*Wm. J. Newton*, Portsea, out of business.

*At the County Court of Derbyshire, at DERBY, March 18 at 12.*

*Samuel Bennett*, Chapel-en-le-Frith, manager of a cotton mill.

*At the County Court of Warwickshire, at COVENTRY, March 22 at 12.*

*John Smith*, Birmingham, out of business.—*Wm. Wadams*, Sutton Coldfield, farmer.—*Thos. Capas*, Birmingham, builder.—*Robert Wicks*, Birmingham, licensed beer-seller.—*Howard Pepper*, Coventry, butcher.—*Wm. Bradley*, Birmingham, out of business.—*Chas. Mountney*, King's Norton, Worcestershire, butcher.—*William Brooks*, Lee Bank-road, Edgbaston, builder.

*At the County Court of Kent, at DOVER, March 22 at 11.*

*Mary Ann Culmer*, widow, Dover, milliner.—*James Slack* the elder, Dover, out of business.—*John Poole*, Dover, confectioner.

#### MEETING.

*Alice Rotherham*, widow, Skelmersdale, Lancashire, March 23 at 11, at Welsby's, Ormskirk, sp. aff.

### TUESDAY, MARCH 7.

#### BANKRUPTS.

**GEORGE JONES**, Baker-street, Lloyd-square, St. James's, Clerkenwell, Middlesex, manufacturing jeweller, March 16 at 11, and April 20 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Grover & Coare, 4, King's-bench-walk, Temple.—Petition filed March 6.

**WILLIAM GILBERTSON LEO**, (known as William Leo, and sued as George Leo), Portland-street, Walworth, near Guildford-street, Surrey, salt merchant and drysalter, dealer and chapman, March 17 and April 21 at half-past 1, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Scarmann, 21, Coleman-street, London.—Petition dated March 2.

**JAMES SIVYER**, Stratford, Essex, grocer, March 18 and April 22 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Hill & Matthews, St. Mary Axe.—Petition dated March 4.

**CHARLES JOHN DARKIN CAMPBELL**, College-street, Camden-town, and John-street, Adelphi, Middlesex, and Bolton-terrace, Edward-street, Walworth, Surrey, builder, dealer in bricks and building materials, dealer and chapman, March 21 at 1, and April 24 at 2, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Lawrence & Co., 14, Old Jewry-chambers, London.—Petition filed Feb. 25.

**FRANCIS PAUL BECKER**, Stationers' Hall-court, Paternoster-row, London, engraver and printer, March 20 at 2, and April 24 at 1, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Pawle, 5, New-inn, Strand, London.—Petition filed March 3.

**HENRY GROOM**, Bray, Berkshire, miller, March 15 at 1, and April 22 at 2, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Smith & Son, 36, Argyle-street, London.—Petition dated Feb. 24.

**THOMAS HARVEY**, Twyford-street, Caledonian-road, Islington, Middlesex, builder, dealer and chapman, March 18 and April 22 at half-past 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Lawrence & Co., 14, Old Jewry-chambers, London.—Petition dated March 4.

**JOSEPH MUNDEN** the elder, Slape Mills, Netherbury, Dorsetshire, flax and tow spinner, dealer and chapman, March 14 and April 19 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Gundry, Bridport; Terrell, Exeter.—Petition filed March 3.

**JOHN ASHWORTH**, Litchurch, near Derby, hotel keeper, dealer and chapman, March 24 and April 7 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sol. Marshall, Birmingham.—Petition dated March 3.

**JOHN ELLIS**, Hulme, Manchester, joiner and builder, March 24 and April 28 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sols. Sale & Co., Manchester.—Petition filed March 2.

**RICHARD LYNCH**, Manchester, boot and shoe maker, dealer and chapman, March 20 and April 10 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Cooper & Son, Manchester.—Petition filed Feb. 25.

#### MEETINGS.

*John Kay*, Prestwich, near Manchester, calico manufacturer, March 30 at 12, District Court of Bankruptcy, Manchester, last ex.—*Richard Brownlow*, Ardwick, Manchester, gum manufacturer, March 17 at 11, District Court of Bankruptcy, Manchester, last ex.—*James Hollis*, Bishopstoke, Southampton, miller, March 18 at 12, Court of Bankruptcy, London, and ac.—*Joseph Raynes*, Nottingham, laceman, March 21 at 12, Court of Bankruptcy, London, and ac.—*James L. Lane*, Norwood, Surrey, brewer, March 24 at 11, Court of Bankruptcy, London, and ac.—*Charles S. Twigg*, Cardiff, Glamorganshire, brick maker, March 30 at 11, District Court of Bankruptcy, Bristol, and ac.—*Samuel Jones*, Kidegrove, Wolstanton, Staffordshire, joiner, March 18 at 10, District Court of Bankruptcy, Birmingham, and ac.—*Joseph Johnson* the younger, Liverpool, estate agent, March 21 at 11, District Court of Bankruptcy, Liverpool, and ac.—*Sampson Langdale*, John Eytton, and *Maria J. Cooke*, Newcastle-upon-Tyne, merchants, March 24 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*Martin Cubitt*, High Holborn, Middlesex, builder, March 30 at half-past 11, Court of Bankruptcy, London, div.—*James Window*, Craig's-court, Charing-cross, Westminster, agent, March 28 at half-past 1, Court of Bankruptcy, London, div.—*John Thomas Davison*, Chatham, Kent, grocer, March 28 at half-past 1, Court of Bankruptcy, London, div.—*T. Barber*, Cambridge, bookseller, March 28 at half-past 11, Court of Bankruptcy, London, div.—*James H. Gibbons*, Wood-street, Cheapside, London, straw hat warehouseman, March 28 at 11, Court of Bankruptcy, London, div.—*John Angus Homes*, High-street, Southwark, and Hatcham, Surrey, woollendrapers, March 28 at 2, Court of Bankruptcy, London, div.—*E. T. Blakely*, Norwich, shawl manufacturer, March 30 at half-past 11, Court of Bankruptcy, London, div.—*A. Fisher*, Mincing-lane, London, Colonial broker, March 30 at 12, Court of Bankruptcy, London, div.—*James Colquhoun*, Parsons-hill, Woolwich, Kent, money scrivener, March 30 at 11, Court of Bankruptcy, London, div.—*Joseph Loader*, Pavement, Finsbury, London, upholsterer, March 30 at 11, Court of Bankruptcy, London, div.—*A. Mongredien*, Liverpool, merchant, March 29 at 11, District Court of Bankruptcy, Liverpool, fin. div.—*William Holmes*, Manchester, cotton manufacturer, March 30 at 12, District Court of Bankruptcy, Manchester, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Frederick Wm. Thomas*, Leadenhall-street, London, auctioneer, March 29 at 2, Court of Bankruptcy, London.—*Wm. Cobb*, Maidstone, Kent, builder, March 29 at 12, Court of Bankruptcy, London.—*Duncan Jenkins*, Mile-end-road, Middlesex, licensed victualler, March 29 at 1, Court of Bankruptcy, London.—*James Deacon*, Oxford, builder, March 29 at half-past 11, Court of Bankruptcy, London.—*Thos. Wilkinson*, Cambridge-wharf, Wilton-road, Pimlico, Middlesex, coal merchant, March 28 at 12, Court of Bankruptcy, London.—*Thomas Proctor*, Lincoln, engineer, March 29 at 12, District Court of Bankruptcy, Kingston-upon-Hull.—*T. Young*, Sunderland, Durham, shipowner, March 28 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*H. Purcell*, Dudley, Worcestershire, hosier, April 1 at 10, District Court of Bankruptcy, Birmingham.—*W. Brook*, Manchester, stuff merchant, April 4 at 12, District Court of Bankruptcy, Manchester.—*M. Bowell*, Manchester, publican, April 7 at 12, District Court of Bankruptcy, Manchester.

*To be granted, unless an Appeal be duly entered.*

*Charles Tipple*, Boldock, Hertfordshire, apothecary.—*John Wills*, Exeter, builder.—*Samuel Buckley* and *G. Shorridge*, Macclesfield, Cheshire, millers.—*Jonathan Roebuck*, Austonley, Yorkshire, woollen cloth manufacturer.

#### FIAT ANNULLED.

*William Houldsworth*, Egremont, Liscard, Cheshire, and Liverpool, common brewer.

#### PETITION ANNULLED.

*Wm. Ness* and *Thomas Snowden*, Leeds, Yorkshire, tar distillers.

#### SCOTCH SEQUESTRATIONS.

*A. G. Lang*, Glasgow, merchant.—*James Wallace*, Glasgow, writer.—*James Milne*, Glasgow, merchant.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Wm. Randall*, Amersham, Buckinghamshire, coach builder, March 13 at 11, County Court of Buckinghamshire, at Chesham.—*Francis Kent*, Chesham, Buckinghamshire, baker, March 13 at 11, County Court of Buckinghamshire, at Chesham.—*David Strickland*, Gwinear, Cornwall, mine agent, March 16 at 10, County Court of Cornwall, at Redruth.—*Richard Holder*, Thorpe, near Chertsey, Surrey, agricultural labourer, March 29 at 1, County Court of Surrey, at Chertsey.—*Samuel Copper*, Birkenhead, Cheshire, shoemaker, March 17 at 10, County Court of Cheshire, at Birkenhead.—*John Bradbury*, Tranmere, Cheshire, painter, March 17 at 10, County Court of Cheshire, at Birkenhead.—*David Jones*, Cwmaman, Aberdare, Glamorganshire, victualler, March 10 at 10, County Court of Glamorganshire, at Merthyr Tydfil.—*John Thorpe*, Carlisle, Cumberland, painter, March 20 at 10, County Court of Cumberland, at Carlisle.—*George Forster*, Carlisle, Cumberland, guard on the Glasgow and South-western Railway, March 20 at 10, County Court of Cumberland, at Carlisle.—*R. Austin*, Hunsterson, Wybunbury, Cheshire, blacksmith, March 30 at 11, County Court of Cheshire, at Nantwich.—*George Davies*, Pelcombe, Camrose, Pembrokeshire, out of business, March 24 at 10, County Court of Pembrokeshire, at Haverfordwest.—*David Johns*, Steynton, Pembrokeshire, innkeeper, March 24 at 10, County Court of Pembrokeshire, at Haverfordwest.—*Thomas Briggs*, Laycock, Keighley, Yorkshire, shopkeeper, March 22 at 11, County Court of Yorkshire, at Keighley.—*David Bastow*, Keighley, Yorkshire, stonemason, March 22 at 11, County Court of Yorkshire, at Keighley.—*F. A. Boyce*, Margate, Kent, tailor, March 13 at 12, County Court of Kent, at Margate.—*Samuel Peacock*, Cambridge, bricklayer, March 23 at 10, County Court of Cambridgeshire, at Cambridge.—*Peter Willy*, Middleton, Yorkshire, innkeeper, March 20 at 11, County Court of Yorkshire.—*David Jones*, Bilston, Staffordshire, machine keeper, March 21 at 9, County Court of Staffordshire, at Wolverhampton.—*John Miller*, Great Lumley, Durham, publican, March 20 at 10, County Court of Durham, at Durham.—*Francis Taylor*, Bridlington, Yorkshire, butcher, March 21 at 11, County Court of Yorkshire, at Bridlington.—*Joseph Wilton*, Bristol, grocer, March 29 at 11, County Court of Gloucestershire, at Bristol.—*Richard Squires*, Cambridge, publican, March 23 at 10, County Court of Cambridgeshire, at Cambridge.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*March 22 at 10, before the CHIEF COMMISSIONER.*

*Benjamin Richards*, Fleet-lane, Farringdon-street, London, carpenter.—*C. E. Warnford*, Blenheim-st., Chelsea, Middlesex, commercial traveller.—*Joseph Henry Bond*, St. Mary-street, St. Mary-square, Kennington-road, Surrey, out of business.

*March 22 at 10, before Mr. Commissioner MURPHY.*

*Bénérice Lerges D'Ambrumenil*, Bedford-place, Parsonage-mead, Barrack-field, Croydon, Surrey, teacher of languages.—*Alexander Cunningham*, Old Rutland-street, New-road, Whitechapel, Middlesex, hardwareman.—*Henry Watson*, Half Moon-street, Piccadilly, Middlesex, consulting surgeon.—*James Searain*, Wellington-place, Southampton-st., Camberwell, Surrey, commission agent.—*Wm. Vaucrasson Dawson*, Ealing, Middlesex, tutor.—*Thos. W. Marvinke O'Keefe*, Alfred-street, Bedford-square, Middlesex, author.—*John Davis*, Baring-street, New North-road, Middlesex, clerk to an attorney.

*March 23 at 11, before Mr. Commissioner PHILLIPS.*

*Wm. Mowbray De Mowbray*, Pilgrim-street, Kennington-green, Lambeth, Surrey, in no business.—*Joseph Windred*, St. Clement's-lane, Strand, Middlesex, stonemason.—*Thomas Barwood*, Buckenham-st., Dover-road, Southwark, Surrey, attorney's clerk.—*Robert Blackburn Rolfe*, Bermondsey New-road, Surrey, baker.—*George Munnelly*, Cross-st., Clapham,

Surrey, out of business.—*Thomas Pain*, Ham-common, Kingston, Surrey, out of business.—*Robert Yalden*, Queen-street, Hammersmith, Middlesex, laundryman.

*Saturday, March 4.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*R. Brown*, Selby, Yorkshire, out of business, No. 77,348 C.; *John Earnshaw*, assignee.—*James Batten*, London-street, Greenwich, Kent, milliner, No. 77,413 C.; *J. Field*, assignee.—*W. Wood*, South Shields, Durham, joiner, No. 77,537 C.; *Wm. Doeg* and *John Skelton*, assignees.—*Samuel Jane*, Dominic, Cornwall, farmer, No. 77,563 C.; *Wm. Richard Berryman*, assignee.—*The Hon. Brownlow Thomas Montague Cecil*, Dover, Kent, in no profession, No. 77,579 C.; *George Samuel Ford*, assignee.—*Fanny Watts*, Chatham, Kent, out of business, No. 77,580 C.; *Wm. Gilmore*, assignee.—*Arthur Saunders*, Greenwich, Kent, licensed victualler, No. 77,581 C.; *Richard Berridge*, assignee.—*John Hughes*, Llangoed, Anglesey, yeoman, No. 60,410 C.; *James Hughes*, assignee.—*John Thomas Benest*, Hemsworth-street, Hoxton Old-town, Middlesex, master mariner, No. 62,009 T.; *Thomas Barton*, assignee.—*Jabez Thomas Richardson*, Church-street, Bethnal-green, Middlesex, clothier, No. 64,060 T.; *John Pritchard Evans*, assignee.—*Thomas Barber Johnson*, Tower Dock, Tower-hill, City, assistant to an auctioneer, No. 64,146 T.; *Daniel Buckland*, assignee.—*Henry Moore*, Cambridge, law writer, No. 77,513 C.; *John Thurlborn* and *H. Holden*, assignees.

*Saturday, March 4.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*  
(On their own Petitions).

*Thomas Ames Farey*, Holywell-lane, Shoreditch, Middlesex, shoemaker: in the Debtors Prison for London and Middlesex.—*John Vause Monckton*, Notting-hill, Baywater, Middlesex, gentleman: in the Debtors Prison for London and Middlesex.—*Jos. Simpson*, Brooksby-street, Liverpool-road, Islington, Middlesex, commercial traveller: in the Debtors Prison for London and Middlesex.—*Jas. Wm. Cole*, East-st., Red Lion-square, Middlesex, engineer: in the Debtors Prison for London and Middlesex.—*John Bartlett*, Cambridge-road, Bethnal-green, Middlesex, appraiser: in the Debtors Prison for London and Middlesex.—*Stephen Couchman*, Oval, Hackney-road, Middlesex, in no business: in the Queen's Prison.—*William Ruffe Stevenson*, Polygon-buildings, Old-town, Clapham, Surrey, postmaster: in the Gaol of Surrey.—*Wm. Lucas*, Bridge-st., Bermondsey, Surrey, beerseller: in the Gaol of Surrey.—*Wm. Rutson* the elder, Chipperfield, Hertfordshire, linendraper: in the Gaol of Surrey.—*William Tillman*, Osborne-st., Whitechapel, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—*Thomas Boyle*, Wallbrook, City, manager of the Patent Daylight Reflector Company: in the Debtors Prison for London and Middlesex.—*John Peter Brust*, Royal-st., Royal-road, Kennington-common, Surrey, baker: in the Debtors Prison for London and Middlesex.—*Edmund Henry Plummer*, Grange-road, Bermondsey, Surrey, commission agent: in the Gaol of Surrey.—*Wm. Waterhouse Smith*, Church-st., Battersea, Surrey, coal merchant: in the Gaol of Surrey.—*Wm. Taylor*, Blackburn, Lancashire, earthenware manufacturer: in the Gaol of Lancaster.—*Samuel Woodall*, Chorlton-upon-Medlock, Manchester, baker: in the Gaol of Lancaster.—*James Beddington*, Chorlton-upon-Medlock, Manchester, baker: in the Gaol of Lancaster.—*Emanuel Hesketh*, Fernacre, Cheetham-hill, near Manchester, grocer: in the Gaol of Lancaster.—*Thomas Formby*, Blackburn, Lancashire, leather dealer: in the Gaol of Lancaster.—*Wm. Radcliffe*, Oldham, Lancashire, hat manufacturer: in the Gaol of Lancaster.—*John Daniels*, Manchester, venetian blind manufacturer: in the Gaol of Lancaster.—*Richard Hall*, Bury, Lancashire, builder: in the Gaol of Lancaster.—*John Livezey*, Blackburn, Lancashire, out of business: in the Gaol of Lancaster.—*Robert Simon*, Stretford, near Manchester, commission agent: in the Gaol of Lancaster.—*Daniel Woodhead*, Hulme, Manchester, out of business: in the Gaol of Lancaster.—*E. Davis*, Manchester, silk manufacturer: in the Gaol of Lancaster.—*John Greenwell*, Manchester, plumber: in the Gaol

of Lancaster.—*James Hallowell*, York, out of business: in the Gaol of York.—*James Slack*, Dover, Kent, in no business: in the Gaol of Dover.—*P. Johnstone*, Blackburn, Lancashire, out of business: in the Gaol of Lancaster.—*T. Hobson*, Manchester, out of business: in the Gaol of Lancaster.—*S. Bailey*, Manchester, cabinet maker: in the Gaol of Lancaster.—*Wm. James Newton*, Portsea, Southampton, out of business: in the Gaol of Winchester.—*Daniel Sayers*, Brighton, Sussex, licensed victualler: in the Gaol of Lewes.—*William Manley*, Ryton-upon-Dunsmoor, Warwickshire, baker: in the Gaol of Coventry.—*Joseph Parish*, Plymouth, Devonshire, builder: in the Gaol of St. Thomas-the-Apostle.—*Geo. Chadwick*, Leeds, Yorkshire, out of business: in the Gaol of York.—*John Sykes*, Leeds, Yorkshire, out of business: in the Gaol of York.—*Daniel R. Bayldon*, Halifax, Yorkshire, grocer: in the Gaol of York.—*Joseph Gray* the younger, Drax, near Selby, Yorkshire, publican: in the Gaol of York.—*John Edmondson*, Shipley, near Bradford, Yorkshire, green-grocer: in the Gaol of York.—*James V. Greey*, Sandwich, Kent, painter: in the Gaol of Dover.—*Lewis Hadler*, Tovil, East Farleigh, near Maidstone, Kent, bricklayer: in the Gaol of Dover.—*John Taylor*, Ancoats, Manchester, engineer: in the Gaol of Lancaster.—*Henry Hudson*, Bradford, Yorkshire, out of business: in the Gaol of York.—*Joseph Dyson*, Man-ningham, near Bradford, Yorkshire, stonemason: in the Gaol of York.—*Richard T. Gray*, York, butcher: in the Gaol of York.—*Francis Maude*, York, out of business: in the Gaol of York.—*Mary Hopkins*, Aylford, near Blakeney, Gloucestershire, retailer of beer: in the Gaol of Gloucester.—*David Cousens*, East Stonehouse, Devonshire, cab proprietor: in the Gaol of St. Thomas-the-Apostle.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*March 21 at 10, before Mr. Commissioner MURPHY.*

*Robert J. B. Chambers*, Cecil-street, Strand, Middlesex, surgeon in the Royal Navy on half-pay.—*Alfred Rawlingson*, Winchester-terrace, Agar-town, Middlesex, clerk to an attorney.—*Thomas Rose*, Staple-inn, Holborn, Middlesex, porter to the Hgn. Society of Staple-inn, Holborn.—*George Smith*, Fitzroy-st., Fitzroy-square, St. Pancras, Middlesex, painter.—*Ninian Craig*, Northumberland-court, Strand, Middlesex, captain in the 1st West India Regiment.

*March 22 at 10, before the CHIEF COMMISSIONER.*

*Edmund Page*, Tachbrook-street, Pimlico, Middlesex, out of business.—*Thomas Price*, Broad-street, Lambeth-butt, Surrey, assistant to a dealer in marine stores.—*Geo. F. Oyle*, Blackfriars-road, Surrey, and Spring-street, Paddington, Middlesex, bachelor of medicine.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Sussex, at LEWES, March 21 at 12.*

*Augustus R. R. Preston*, Lewes, assistant surgeon in the Royal Navy.—*James Thos. Edwards*, Brighton, builder.—*Daniel Sayers*, Brighton, licensed victualler.—*Thos. Smith*, Brighton, dairyman.—*John Hart*, Brighton, retailer of beer.

*At the County Court of Kent, at DOVER, March 22 at 11.*  
*James Valder Greey*, Sandwich, painter.—*Lewis Hadler*, Tovil, East Farleigh, near Maidstone, builder.

*At the County Court of Staffordshire, at STAFFORD, March 22 at 11.*

*John Dallow*, Wolverhampton, clerk to carriers by canal.

*At the County Court of Warwickshire, at COVENTRY, March 22 at 12.*

*Wm. Manley*, Ryton-upon-Dunsmore, baker.

*At the County Court of Cambridgeshire, at CAMBRIDGE, March 23 at 10.*

*Isaac Pears*, Cambridge, guano merchant.—*James Rhee*, Chesterton, baker.

## COURT FOR RELIEF OF INSOLVENT DEBTORS IN IRELAND.

*The following Prisoner is ordered to be brought up before the Court, in Belfast, April 10 at 9, to be dealt with according to the Statute:—*

*Wm. John Totton*, Belfast, shopman.

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# The Jurist

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LONDON, MARCH 18, 1854.

THE proposed alterations in the course of common-law procedure, now before the House of Lords, together with those additions which are likely to be made in the Commons, will, if carried into effect, probably produce great changes, not only in the amount, but in the mode of transacting business in Chancery. By the additions likely to be made in the Commons, we mean the introduction of actions for specific performance into courts of common law—an addition to their jurisdiction which is almost certain to be made. Now, though, as being ourselves of the equity bar, we cannot personally look with any particular affection on changes the result of which may be to diminish considerably the business of equity, yet, as law reformers, we cannot see the slightest ground for contending that Courts of law ought not to have that jurisdiction, as well as that of admitting equitable defences, and granting injunctions, &c., in actions pending in their jurisdiction. The instance which the Lord Chancellor put, of an action for specific performance of a contract for marriage, was probably put by his Lordship by way of joking off a portion of the subject to which his Lordship entertained an aversion; because, of course, if Courts of law entertain actions for specific performance, they must, like Courts of equity, and every other Court, limit the exercise of their jurisdiction to cases in which the power placed at their disposal by human

institutions, will enable them to compel performance of their orders; and as Courts of equity refuse attempting to compel performance of a simple contract to act, or to sing, or the like, merely because they will not stultify themselves by ordering that to be done which they have no power to force a man to do, so credit may be given to a Court of law that it will not attempt to order a horse to drink, or a man to marry, though it may flog the horse for not drinking, or make the man pay for not marrying. To be serious, the whole current of modern law reform as regards judicature is this—to import into the common law, or rather to add to it, equitable doctrines of conduct; and to import from the Court of Chancery into the Courts of common law, and from the latter into the former, the best and most efficacious of their respective modes of procedure; and when it can be shewn that in either Court either the doctrines by which it is bound, or the practice according to which it proceeds, are not such as to produce the one desired result—justice—the tendency, and the proper tendency, is to give to the deficient Court the powers that it did not possess. To take the question of equitable defences: it does seem not only very absurd, but very inconvenient, that if an action is brought on an instrument under seal, then, in order to set up, by way of defence, some transaction recognisable only on principles of equity, it should be necessary for the defendant to go out of the Court of common law into the Court of Chancery, and there obtain, by a separate and expensive course of proceeding, an order to stop the plaintiff at law from going on, on the ground of the equitable defence; or if an ejectment is brought at law, and the defendant sets up an outstanding term, on which, as a legal title he can rest, but on which for some reasons it would be very unjust that he should rest, it seems very inconveniently tedious and expensive that he should have to go into equity, as it is termed, to stay the setting up of the outstanding term. It will be a simpler, more expeditious, and more rational mode of

proceeding in either of such cases, that the defendant in the one case, or the plaintiff in the other, should be able to set up the equitable defence in the action.

On the subject of specific performance, the giving such jurisdiction to Courts of law seems perfectly rational; but merely to do that, would be a one-sided reform as regards the public. The great object to be attained is, that the suitor may seek his remedy, so far as it is practicable, in any of her Majesty's courts, and that wherever he does choose to go, he may get complete justice. It is a hardship that in one court a plaintiff may get damages, and damages only, for the breach of a contract, and that in another he may have the contract enforced, but can have no more—that is, cannot have damages; and that is not merely a theoretical but a practical grievance, because it very often happens that a plaintiff mistakes his course—that is, goes to a Court of equity for specific performance when he is not entitled to it, though he might have been entitled to damages if he had gone originally to a Court of law. Now, what ought to be done for substantial reform of the law on such a point as this is, that whichever court a suitor happens to go into first, there he should be able to obtain complete justice. If he files a bill in Chancery for specific performance, and it turns out that he is not entitled to specific performance, but may be entitled to some damages, he ought not to be turned out of the Court of Chancery, with costs, to seek what remedy he can at law; but the Court of Chancery ought to be armed with power to say, "True it is, you are not entitled to the strict performance of the contract, but you have suffered damage, and are entitled to compensation, and we will give you damages." On the other hand, he ought not at law to be confined strictly to damages, but ought to be able to ask, in the alternative, either performance of the contract or damages.

Of course, in administering these equities, Courts of law ought to be bound to take notice of those higher principles of judicial morality, in applying the law to men's contracts, which are acted upon in Courts of equity, but have not been hitherto recognised by Courts of law. If they do not, to give them an equitable jurisdiction will only be putting into their hands a power of doing mischief instead of good.

### REGULA GENERALIS.

#### ORDER OF COURT.—*March 9.*

I, the Right Hon. ROBERT MONSEY LORD CRANWORTH, Lord High Chancellor of Great Britain, do hereby order and direct in manner following—that is to say, that the General Order made by me bearing date the 31st January, 1863, be discharged, and in lieu thereof I do order, that the Registrar, in drawing up any decree or order whereby the Accountant-General shall be directed to pay or transfer any fund or part of any fund in respect of which any duty shall be payable to the revenue under the acts relating to legacy or succession duty, shall, unless such decree or order expressly provide for the payment of the duty, direct the Accountant-General to have regard to the circumstance that such duty is payable; and where, by any order, any carrying over to a separate account in respect of which any such duty may be

chargeable shall be directed, the Registrar shall add the words "subject to legacy duty," or "subject to succession duty," as the case may be, to the title of the account; and in order the better to provide security against the payment or transfer by the Accountant-General of any fund chargeable with any such duty, without the duty being first paid, the Accountant-General, on receiving notice from the proper officer that the duty is payable, is to cause a memorandum to be made in his books in conformity with such notice. And the Accountant-General, before executing any decree or order directing the payment or transfer of any fund, or part of any fund, in respect of which any such duty shall be payable, shall require the production of the official receipt for the duty, or a certificate from the proper officer of the payment of the duty chargeable in respect of any such fund or any portion thereof respectively, by any such decree or order directed to be paid or transferred.

(Signed) CRANWORTH, C.

### PUBLIC EXAMINATION.—TRINITY TERM, 1864.

THE Council of Legal Education have approved of the following rules for the public examination of the students.

The attention of the students is requested to the following rules of the Inns of Court:—

"As an inducement to students to propose themselves for examination, studentships shall be founded of fifty guineas per annum each, to continue for a period of three years, and one such studentship shall be conferred on the most distinguished student at each public examination; and further, the examiners shall select and certify the names of three other students who shall have passed the next best examinations, and the Inns of Court to which such students belong may, if desired, dispense with any terms, not exceeding two, that may remain to be kept by such students previously to their being called to the Bar. Provided that the examiners shall not be obliged to confer or grant any studentship or certificate unless they shall be of opinion that the examination of the students they select has been such as entitles them thereto."

"At every call to the Bar those students who have passed a public examination, and either obtained a studentship or a certificate of honour, shall take rank in seniority over all other students who shall be called on the same day."

"No student shall be eligible to be called to the Bar who shall not either have attended during one whole year the lectures of two of the Readers, or have satisfactorily passed a public examination."

### RULES FOR THE PUBLIC EXAMINATION OF CANDIDATES FOR HONOURS, OR CERTIFICATES ENTITLING STUDENTS TO BE CALLED TO THE BAR.

An examination will be held in next Trinity Term, to which a student of any of the Inns of Court, who is desirous of becoming a candidate for a studentship or honours, or of obtaining a certificate of fitness for being called to the Bar, will be admissible.

Each student proposing to submit himself for examination will be required to enter his name at the treasurer's office of the Inn of Court to which he belongs on or before Monday, the 15th day of May next; and he will further be required to state in writing whether his object in offering himself for examination is to compete for a studentship or other honourable distinction, or whether he is merely desirous of obtaining a certificate preliminary to a call to the Bar.

The examination will commence on Monday, the 22nd day of May next, and will be continued on the Tuesday and Wednesday following.

It will take place in the Benchers' Reading-room of Lincoln's-inn; and the doors will be closed ten minutes after the time appointed for the commencement of the examination.

The examination by printed questions will be conducted in the following order:—

Monday morning, the 22nd May, at half-past nine, on Constitutional Law and Legal History; in the afternoon, at half-past one, on Equity.

Tuesday morning, the 23rd May, at half-past nine, on Common Law; in the afternoon, at half-past one, on the Law of Real Property, &c.

Wednesday morning, the 24th May, at half-past nine, on Jurisprudence and the Civil Law; in the afternoon, at half-past one, a paper will be given to the students including questions bearing upon all the foregoing subjects of examination.

The oral examination will be conducted in the same order, during the same hours, and on the same subjects, as those already marked out for the examination by printed questions, except that on Wednesday afternoon there will be no oral examination.

The oral examination of each student will be conducted apart from the other students; and the character of that examination will vary according as the student is a candidate for honours or a studentship, or desires simply to obtain a certificate.

The oral examination and printed questions will be founded on the books below mentioned, regard being had, however, to the particular object with a view to which the student presents himself for examination.

In determining the question, whether a student has passed the examination in such a manner as to entitle him to be called to the Bar, the examiners will principally have regard to the general knowledge of law and jurisprudence which he has displayed.

A student may present himself at any number of examinations, until he shall have obtained a certificate.

Any student who shall obtain a certificate may present himself a second time for examination as a candidate for the studentship, but only at one of the three examinations immediately succeeding that at which he shall have obtained such certificate; provided, that if any student so presenting himself shall not succeed in obtaining the studentship, his name shall not appear in the list.

Students who have kept more than eleven terms shall not be admitted to an examination for the studentship.

The READER ON CONSTITUTIONAL LAW and LEGAL HISTORY will expect all students to answer any general questions relating to the History of England, and to know the outlines of Constitutional Law.

The candidates for distinction will be expected to know the progress of our institutions, and the changes of our Constitution. They will be examined on the History of the Conqueror and his immediate Successors; on the Reign of Henry II; on the circumstances which led to the signing of Magna Charta. They will be expected also to know thoroughly the History of Elizabeth, of Charles I, and William III; and to give an account of the more remarkable State Trials from the time of James I to that of Queen Anne.

The books for the ordinary examination will be Rapin and Hallam.

Those for candidates for distinction will be Hallam, Rapin, Burnet, Millar, Clarendon, May, the State Trials, and the Parliamentary History.

The READER ON EQUITY proposes to examine in the following books:—

1. Smith's Manual on Equity Jurisprudence; the first seven chapters of Story's Commentaries of Equity

Jurisprudence, vol. 1; Wigram's Points in the Law of Discovery, ("Introductory Observations" and "First Proposition"); the Act for the Improvement of Equity Jurisdiction, 15 & 16 Vict. c. 86.

2. Mitford on Pleadings in the Court of Chancery; White & Tudor's Leading Cases, (with the Notes), vols. 1 and 2.

Candidates for certificates of fitness to be called to the Bar will be expected to be well acquainted with the books mentioned in the first of the above classes.

Candidates for a studentship or honours will be examined in the books mentioned in the two classes.

The READER ON THE LAW OF REAL PROPERTY proposes to examine in the following books and subjects:—

1. Williams—Real Property.

2. Learning of Powers—1 Sugd. Pow., cc. 1—4.

3. The Alienation of Freehold Estates by Tenants in Tail and Married Women: with reference to the 3 & 4 Will. 4, c. 74.

4. The Law of Perpetuity: with reference to the Doctrine of Cy-près, Powers of Sale and Exchange, and Powers of Appointment.

5. The Liability of Purchasers to see to the Application of their Purchase Money.

6. The Law of Settlement by Deed: with reference to Ante-Nuptial, Post-Nuptial, and Voluntary Settlements.

Candidates for a studentship or other honorary distinction will be examined in all the foregoing books and subjects. Candidates for a certificate will be examined in 1, 2, and 3.

The READER ON JURISPRUDENCE and the CIVIL LAW proposes to examine in the following subjects:—

1. The Relation of Jurisprudence to Moral Philosophy. Austin—Province of Jurisprudence Determined, lect. 5; Whewell—Elements of Morality and Polity, book 4, vol. 2, (2nd ed.) The student must be prepared to indicate the points of conflict between these writers.

2. The Roman Law of Servitudes, Prescriptions, Testaments, Legacies, and Fidei-Commissa. The modern Commentaries consulted may be, on the first two subjects, the Doctrina Pandectarum of Mühlenbruch; and on the three last, the Institutiones or Commentarii Juris Romani Privati of Warnkönig.

3. The Roman Law of Civil Process at the era of Gaius. Gaius—Comment., lib. 4. The Modern Treatises referred to may be the Innere Geschichte des Römischen Rechts of Tigerström, pp. 86 et seq.; or J. G. Phillimore's Introduction to the Study of Roman Law, pp. 16 et seq.

4. The Conflict and Harmony of Laws on the Subject of Marriage and Divorce. Story—Conflict of Laws, cc. 5, 6, 7.

5. National Rights of Self-Preservation, Independence, and Equality. Wheaton—Elements of International Law, part 1, cc. 1, 2, 3.

Candidates for distinction will be examined in all the foregoing subjects.

Candidates for a certificate will be examined in 4 and 5, and also in 2, so far as the subjects enumerated are treated of in the Institutes of Justinian.

The READER ON COMMON LAW proposes to examine in the following books and subjects:—

1. The ordinary steps in an Action at Law.

2. The Parties to Contracts—Smith's Lectures on Contracts, 8—10, (omitting the note commencing at p. 253).

3. Offences against Property—Stephen Com., book 6, c. 5.

4. The Law of Landlord and Tenant, so far as it relates to the Right to Distrain and the Obligation to Repair



—Woodf. L. & T., 6th ed., book 2, c. 2, ss. 1—3; c. 4, ss. 1, 2.

5. The following Leading Cases, with the Notes thereto, (Smith's L. C., 3rd ed.):—*Semayne's case*, *The Six Carpenters' case*, *Prigg v. The Earl of Torrington*, and *Higham v. Ridgway*.

Candidates for certificates of fitness to be called to the Bar will be examined in the 1st, 2nd, and 3rd of the above subjects.

Candidates for the studentship or for honours will be expected to be conversant with all the above subjects.

By order of the Council,

RICHARD BETHELL, Chairman.

Council Chamber, Lincoln's Inn,

March 9, 1854.

### COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.

The Lord Chancellor, under the powers of the 16 & 17 Vict. c. 78, intituled "An Act relating to the Appointment of Persons to administer Oaths in Chancery, and to Affidavits made for Purposes connected with Registration," has appointed the following gentlemen to be Commissioners for administering Oaths in Chancery:—

#### To be London Commissioners.

Charles Wells Rolfe, 6, South-square, Gray's-inn.  
Alfred Charles Tatham, 11, Staple-inn, and North-road, Highgate.

William Burchell, 47, Parliament-street.  
Frederick Mayhew, 4, Verulam-buildings, and Haverstock-hill, Hampstead.

Charles Thomas Jenkinson, 29, Lombard-street, City.  
William Harris, 5, Stone-buildings, Lincoln's-inn.  
Henry Dyte, 6, King's Bench-walk, Temple.

John Champey Rutter, 4, Ely-place, Holborn.  
Thomas Bigood, 36, Carey-street, Lincoln's-inn.  
James George Dobinson, 57, Lincoln's-inn-fields.

Jacob Michael, 9, Red Lion-square, and 7, Old Jewry.  
Charles Fiddiey, 3, Paper-buildings, Inner Temple.  
Robert Cole, 14, Tokenhouse-yard, City.

James Miller, 24 and 48, Eastcheap, City.  
John Vaizey, 2, South-square, Gray's-inn.  
Samuel Heath the younger, 1, Church-court, Clement's-lane.

John Danby Christopher, 26, Argyle-street, Regent-street.

Thomas Lacy, 19, King's Arms-yard, City.  
Anthony Wellington Irwin, 5, Gray's-inn-square.  
Edward Western, 7, Great James-street, Bedford-row.

Charles Francis Western, 7, Great James-street, Bedford-row.

Cyril John Monkhouse, 3, Craven-street, Strand.  
Edward Doyle, 2, Verulam-buildings, Gray's-inn, and 87, Camden-road-villas, Camden-town.

William Henry Clapham, 29, Great Portland-street, Marylebone.

Frederick Tritton, 11, Three Crown-square, Southwark, and 10, Paragon, New Kent-road.

Philip Augustus Hanrott, jun., 29, Queen-square, Bloomsbury.

William Wyke Smith, 16, Southampton-street, Bloomsbury.

Frederick Paley Chappell, 25, Golden-square.  
John Philpot, 20, Montague-street, Russell-square.  
Charles Ford, 5, Bloomshury-square.

Robert Henry Baines, 3, Verulam-buildings, Gray's-inn.  
David Williams Wire, 9, St. Swithin's-lane, City, and of Stone-house, Lewisham, Kent.  
Thomas Mortimer, 4, Albany-court-yard, Piccadilly, and 11, Leonard-place, Kensington.  
John Charles Williams, 4, Whitehall.

John Curtis, Haberdashers'-hall, Gresham-street West, City.

Charles Gwillim Jones, 11, Gray's-inn-square.  
John Howard Williams, 16, Bedford-row, Holborn.

William Houghton, 4, Verulam-buildings, Gray's-inn, and Walthamstow, Essex.  
Wm. Braikenridge, 16, Bartlett's-buildings, Holborn.

#### To be Commissioners in England.

Edward John Cox Davies, Crickhowell, Breconshire.  
William Denis Moore, Exeter.

George Batchelor, Newport, Monmouthshire.  
Robert Bristow-Berridge, Leicester.  
William Stuart, Wolverhampton, Staffordshire.

James Street, Manchester.  
George Bradley, Castleford, Yorkshire.  
William Thomas, Walsall, Staffordshire.

John Wyberg the younger, Liverpool.  
Joseph James Ridley, Birkenhead, Cheahire.  
Sydney Pearson, Dawlish, Devonshire.

Edward Davison Welford, Newcastle-upon-Tyne.  
George Sandford Corser, Shrewsbury, Shropshire.  
John Ward, New Elvet, Durham.

Edward Hobart Barlee, Bungay, Suffolk.

### London Gazette.

FRIDAY, MARCH 10.

#### BANKRUPTS.

WILLIAM JOHN WATSON, Upper Holloway, Middlesex, builder, dealer and chapman, March 21 at 12, and April 20 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Brown, 21, Finsbury-place.—Petition filed March 4.

HENRY JOHNSON, Turnwheel-lane, Cannon-street, London, and Thames Ditton, Surrey, machinist and engineer, dealer and chapman, March 23 at half-past 1, and April 27 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Teague, 5, Crown-court, Cheapside.—Petition filed Feb. 28.

WILLIAM CLUFF HULME, High-street, Putney, Surrey, grocer, March 24 and April 25 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Hare & Whitfield, 1, Mitre-court, Temple, London.—Petition filed March 10.

WILLIAM JOHN HICKS, Waltham Abbey, Essex, draper, dealer and chapman, March 18 at 12, and April 21 at 1, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Davidson & Bradbury, 22, Basinghall-street, London.—Petition dated March 2.

FREDERICK BHEAR, George-yard, Lombard-street, London, hotel keeper, March 22 at 2, and April 25 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Miller & Carr, 24, Eastcheap, London.—Petition filed March 4.

EDWIN SHAW, Birmingham, pocket-book maker, dealer and chapman, March 25 and April 24 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Hodgson, Birmingham.—Petition dated March 8.

JAMES POTTS, Stoke-upon-Trent, Staffordshire, confectioner, dealer and chapman, March 23 and April 25 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Smith, Birmingham.—Petition dated Feb. 28.

CHRISTOPHER JAMES TAYLOR, Birmingham, coal dealer, dealer and chapman, March 22 and April 26 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Hodgson, Birmingham.—Petition dated March 7.

THOMAS BOOTH, Halifax, Yorkshire, innkeeper, dealer and chapman, March 21 at 12, and April 24 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Mitchell, Halifax; Bond & Barwick, Leeds.—Petition dated March 7.

HENRY JAMES ROGERS, Callington, Cornwall, surgeon and apothecary, dealer and chapman, (lately carrying on business with William Hender, under the firm of Hender & Rogers), March 22 at 2, and April 20 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Edmonds & Sons, Plymouth; Stogdon, Exeter.—Petition filed March 8.

**DAVID COUZENS**, East Stonehouse, Devonshire, cab proprietor, March 27 and April 24 at half-past 1, District Court of Bankruptcy, Plymouth: Off. Ass. Hirtzel; Sol. Elworthy, Plymouth.—Petition filed March 4.

**THOMAS M'KENNA**, Belfast, Antrim, Ireland, draper, dealer and chapman, (trading there and at Manchester, under the firm of Thomas M'Kenna & Co.), March 24 and April 28 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Herniman; Sols. Sale & Co., Manchester.—Petition filed Feb. 27.

**JOHN HARRISON**, Sunderland, Durham, licensed victualler, dealer and chapman, March 22 at 11, and April 28 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Abrahams, 23, Southampton-buildings, Chancery-lane, London; Harle, 20, Southampton-buildings, Chancery-lane, London, and Newcastle-upon-Tyne.—Petition filed Feb. 27.

#### MEETINGS.

**George Hennet**, Duke-street, Westminster, Middlesex, Bristol and Bridgewater, Somersetshire; and Plymouth and Teignmouth, Devonshire, railway contractor, March 23 at 2, Court of Bankruptcy, London, and ac.—**John Davis** and **S. Davis**, East Smithfield, Middlesex, clothiers, March 24 at 12, Court of Bankruptcy, London, and ac.—**Joseph White**, East Cowes, Isle of Wight, Southampton, ship builder, March 22 at 12, Court of Bankruptcy, London, and ac.—**Thomas Wilkinson**, Cambridge Wharf, Wilton-road, Pimlico, Middlesex, coal merchant, March 28 at 12, Court of Bankruptcy, London, and ac.—**William Steel**, Birmingham, innkeeper, March 21 at 12, District Court of Bankruptcy, Birmingham, and ac.—**Wm. Stiles**, Stratford-upon-Avon, Warwickshire, out of business, March 22 at 12, District Court of Bankruptcy, Birmingham, and ac.—**John Robert Gibson**, Waterloo, near Liverpool, innkeeper, March 23 at 11, District Court of Bankruptcy, Liverpool, and ac.—**Robert Bamford**, Pontefract, Yorkshire, maltster, April 4 at 11, District Court of Bankruptcy, Leeds, and ac.; at half-past 11, fin. div.—**John Bedford**, Wakefield, Yorkshire, cloth merchant, March 23 at 11, District Court of Bankruptcy, Leeds, and ac.—**John Howitt**, Sheffield Moor, near Sheffield, Yorkshire, draper, March 25 at 12, District Court of Bankruptcy, Sheffield, and ac.—**John Spencer** and **Joseph Pullan**, Thornton, Bradford, Yorkshire, tool makers, March 23 at 11, District Court of Bankruptcy, Leeds, and ac. sep. est. of **J. Spencer**; March 31 at 11, div. joint est.—**William Hinde**, Bedford, plumber, April 1 at half-past 1, Court of Bankruptcy, London, div.—**Frederick John Hensley**, Montague-place, Russell-square, Middlesex, apothecary, April 1 at 1, Court of Bankruptcy, London, div.—**Henry Percell**, Dudley, Worcester-shire, hosier, April 1 at 10, District Court of Bankruptcy, Birmingham, and ac. and first and fin. div.—**Richard Battersby** and **James Telford**, Liverpool, ironfounders, March 31 at 11, District Court of Bankruptcy, Liverpool, div. sep. est. of **Richard Battersby**.—**Thos. Browne**, Amble House, Northumberland, shipowner, March 31 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, first and fin. div.—**John Bloomer** and **Jonathan Phillips**, Sheffield, Yorkshire, joiner's tool manufacturers, April 1 at half-past 12, District Court of Bankruptcy, Sheffield, div. joint est., and div. sep. est. of **Jonathan Phillips**.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

**George Pearson**, Birkenhead, Cheshire, grocer, March 31 at 12, District Court of Bankruptcy, Liverpool.—**H. Green**, Birmingham, button manufacturer, April 4 at 12, District Court of Bankruptcy, Birmingham.—**John Bloomer** and **Jon. Phillips**, Sheffield, Yorkshire, joiner's tool manufacturers, April 1 at 12, District Court of Bankruptcy, Sheffield.

To be granted, unless an Appeal be duly entered.

**Jos. Symes**, Queen's-buildings, Knightsbridge, Middlesex, cheesemonger.—**W. Jolly**, Bishop's Stortford, Hertfordshire, carrier.—**Jas. Windeyer Lewty**, Wilden, and **Edmund Lewty**, Stourport, Worcestershire, tin-plate workers.

#### PETITION ANNULLED.

**Wm. Bennett**, Foster Mill, near Hebden-bridge, Yorkshire, and **Horwich**, near Bolton, Lancashire, cotton spinner.

#### SCOTCH SEQUESTRATIONS.

**Sawtell**, **Munn**, & **Desgrand**, Paisley, London, and Paris,

warehousemen.—**G. I. Dickson**, Glasgow, merchant.—**Hugh Baird** & **John Baird**, Paisley, manufacturers.—**Martin, Sons**, & **Co.**, Glasgow, vinegar manufacturers.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

**James Worrall**, Wolverhampton, Staffordshire, boat builder, March 21 at 9, County Court of Staffordshire, at Wolverhampton.—**Henry James Potts**, Macclesfield, Cheshire, tailor, March 30 at 11, County Court of Cheshire, at Macclesfield.—**Thomas Holland**, Macclesfield, Cheshire, victualler, March 30 at 11, County Court of Cheshire, at Macclesfield.—**W. Mottershead**, Priestbury, Cheshire, silk manufacturer, March 30 at 11, County Court of Cheshire, at Macclesfield.—**John Hand**, Calne, Wiltshire, sawyer, March 15 at 11, County Court of Wiltshire, at Calne.—**D. Clark**, Faversham, Kent, fisherman, March 17 at 12, County Court of Kent, at Faversham.—**J. H. Starr**, Rye, Sussex, licensed victualler, March 27 at 12, County Court of Sussex, at Rye.—**G. Eglinton**, Banbury, Oxfordshire, boot maker, March 28 at 11, County Court of Oxfordshire, at Banbury.—**Joseph H. Marsden**, Gloucester, hatter, March 28 at 10, County Court of Gloucestershire, at Gloucester.—**E. Maddox**, Hay, Brecknockshire, boot maker, April 7 at 11, County Court of Brecknockshire, at Hay.—**Wm. Whitehead**, Ardwick, Manchester, warehouseman, April 3 at 12, County Court of Lancashire, at Manchester.—**Thomas Booth**, Chorlton-upon-Medlock, Manchester, letter-press printer, April 3 at 12, County Court of Lancashire, at Manchester.—**William Peace**, Ravens Knowl, Kirkheaton, Yorkshire, stonemason, March 27 at 10, County Court of Yorkshire, at Huddersfield.—**James Watson**, Banbury, Oxfordshire, shoemaker, March 28 at 11, County Court of Oxfordshire, at Banbury.—**James Hird**, Bristol, lithographic printer, March 15 at 11, County Court of Gloucestershire, at Bristol.—**James Parkman**, Bristol, butcher, March 15 at 11, County Court of Gloucestershire, at Bristol.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

March 24 at 10, before the CHIEF COMMISSIONER.

**George Lambert**, Upper Berkeley-st., Marylebone, Middlesex, private tutor.—**John H. Sewell**, Stockbridge-terrace, Vauxhall-bridge-road, Pimlico, Middlesex, shopman to a stationer.—**F. Steere**, Parish-street, St. John's, Horselydown, Southwark, Surrey, labourer.

March 27 at 11, before the CHIEF COMMISSIONER.

**George Lilley**, Hastings-street, Burton-crescent, St. Pancras, Middlesex, printer.—**John Bridges**, Alfred-place, Old Kent-road, Surrey, carman.

The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

March 24 at 10, before the CHIEF COMMISSIONER.

**Jeremiah Thomas Hooper**, Harper-mews, Theobald's-road, Middlesex, wheelwright.

March 24 at 10, before Mr. Commissioner MURPHY.

**Joseph Denney**, Nutford-place, Edgeware-road, Middlesex, beer retailer.—**Henry Wm. How**, Thomas-street, Hackney-road, Middlesex, out of business.—**Robert Sandys**, Connaught-terrace, West India-road, Limehouse, Middlesex, master mariner.—**Benjamin Hubble** the younger, Deptford, Kent, bricklayer.

March 25 at 11, before Mr. Commissioner PHILLIPS.

**Wm. B. Heighon**, Spring-garden-place, Elizabeth-street, Pimlico, Middlesex, out of business.—**Frederick R. Renvoize**, Morpeth-terrace, Victoria-road, South Hackney, Middlesex, paper colourer.—**Henry A. Newcomb**, Upper Dorchester-place, New North-road, Islington, Middlesex, bill broker.

March 27 at 11, before the CHIEF COMMISSIONER.

**Charles R. D'Azene**, Essex-street, Strand, Middlesex, out of business.—**Thos. Astens**, Westminster-bridge-road, Surrey, out of business.

March 27 at 11, before Mr. Commissioner PHILLIPS.

*Thomas A. Farey*, Holywell-lane, Shoreditch, Middlesex, shoemaker.—*Wm. Ruffe Stevenson*, Polygon-buildings, Old-town, Clapham, Surrey, post-master.—*W. Tulman*, Osborn-street, Whitechapel, Middlesex, tailor.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Yorkshire, at YORK, March 27.*

*Edward South*, York, out of business.—*Wm. Eastwood*, Kirkheaton, near Huddersfield, out of business.—*J. Halliwell*, York, out of business.—*Francis Maude*, York, out of business.—*James Bower*, Saddleworth, engineer in a woollen cloth manufactory.—*Henry Hulton*, Bradford, out of business.—*George Chadwick*, Leeds, out of business.—*J. Sykes*, Leeds, out of business.—*Joseph Gray* the younger, Drax, near Selby, labourer.—*John Edmondson*, Shipley, near Bradford, greengrocer.—*Richard T. Gray*, York, butcher.—*Philip Carlton*, York, out of business.—*James Diggle*, Great Horton, near Bradford, out of business.—*John Stead*, Fairburn, Ledaham, near Ferrybridge, shoemaker.—*Daniel R. Bayldon*, Halifax, out of business.—*Wm. Wigglesworth*, Bradford, hairdresser.—*John Thorpe*, Sheffield, out of business.

*At the County Court of Buckinghamshire, at AYLESBURY, March 30 at 10.*

*Thomas Marshall*, Dunstable, architect.

## TUESDAY, MARCH 14.

### BANKRUPTS.

**JOSEPH GOBLE**, Shoreham, Sussex, miller, March 22 at 2, and April 26 at 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Edmunds, 12, South-square, Gray's-inn.—Petition filed March 3.

**MAX GUGENHEIMER**, otherwise **MAXIMILIAN GUGENHEIMER**, Aldermanbury and Fore-street, London, importer of foreign goods, March 21 at half-past 1, and April 26 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Hodgson, Birmingham; Sole & Co., 68, Aldermanbury.—Petition filed March 4.

**ALFRED FORD**, Lowndes-street, Belgrave-square, Middlesex, surgeon and apothecary, dealer and chapman, March 22 at 2, and April 26 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. G. & C. Smith, 5, Southampton-buildings, Holborn.—Petition filed March 10.

**HENRY MEADOWS**, Wellingborough, Northamptonshire, druggist and dealer in soda water, March 24 and April 25 at 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Cook, Wellingborough, Northamptonshire; Roscoe, 14, King-st., Finsbury, London.—Petition filed March 4.

**WILLIAM HENRY COOPER**, Great James-street, Bedford-row, Middlesex, upholsterer, dealer and chapman, March 24 at 2, and April 24 at 1, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Parker & Co., 17, Bedford-row, London; Sole & Co., 68, Aldermanbury, London.—Petition filed March 3.

**WILLIAM HOUGHTON**, Kennington Oval, Lambeth, Surrey, licensed victualler, March 23 at half-past 12, and April 20 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Lloyd, Milk-street, Cheapside.—Petition filed March 14.

**THOMAS LONG**, London-road, Southwark, Surrey, horse dealer, commission agent, dealer and chapman, March 18 at 2, and May 1 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Lawrance & Co., 14, Old Jewry-chambers.—Petition dated March 10.

**JOSEPH HEAD**, Exeter, silversmith, dealer and chapman, March 23 and April 20 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Bishop & Pitts, Exeter.—Petition filed March 11.

### MEETINGS.

*John Botcherby*, Darlington, Durham, coal owner, March 31 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, pr. d.—*Wm. H. Pease*, *John R. Pease*, and *Wm. H. Thompson*, Ingram-court, Fenchurch-street, and Lime-street, London, wine merchant, March 25 at half-past 1, Court of Bankruptcy, London, ch. ass.—*Wm. Chesworth*, Manchester, merchant, March 24 at 12, District Court of Bankruptcy, Manchester, last ex.—*Thomas C. Bird*, Lee, Kent, baker,

March 25 at 12, Court of Bankruptcy, London, and ac.—*Frederick J. Hensley*, Montague-place, Russell-square, Middlesex, apothecary, March 25 at half-past 12, Court of Bankruptcy, London, and ac.—*Christian Drake*, Garlick-hill, London, drysalter, March 25 at half-past 12, Court of Bankruptcy, London, and ac.—*Wm. Legh*, New Windsor, Berkshire, wine merchant, March 25 at half-past 12, Court of Bankruptcy, London, and ac.; April 5 at 12, div.—*William Hinde*, Bedford, plumber, March 25 at half-past 12, Court of Bankruptcy, London, and ac.—*J. Phillips*, Bristol, hatter, March 24 at 11, District Court of Bankruptcy, Bristol, and ac.—*Wm. Hawkins*, Heage, Derbyshire, seedsman, March 24 at 10, District Court of Bankruptcy, Nottingham, and ac.—*Thomas N. Ashman*, Yeovil, Somersetshire, carrier, March 28 at 1, District Court of Bankruptcy, Exeter, and ac.; April 13 at 1, div.—*Sampson Langdale*, *John Eytton*, and *Maria J. Cooke*, Newcastle-upon-Tyne, merchants, March 24 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*James Richardson*, *John S. Wicks*, and *Henry Smith*, Upper Queen's-buildings, Brompton, Middlesex, upholsterers, April 4 at 11, Court of Bankruptcy, London, div.—*Edward Cox*, Great Queen-street, Lincoln's-inn-fields, Middlesex, lathe manufacturer, April 4 at 11, Court of Bankruptcy, London, div.—*John Belbin*, Beaumont-street, St. Marylebone, Middlesex, coachbuilder, April 4 at 12, Court of Bankruptcy, London, div.—*John Read*, Hart-street, Bloomsbury, Middlesex, licensed victualler, April 6 at 11, Court of Bankruptcy, London, div.—*Edward Martyn* and *Henry Martyn*, Aldgate-street, London, woollendrapers, April 5 at half-past 11, Court of Bankruptcy, London, div. sep. est. of *Henry Martyn*.—*Aaron Croftfield*, Ty Mawr, Lanworne, Glamorganshire, coal miner, and Newport, Monmouthshire, common brewer, April 13 at 11, District Court of Bankruptcy, Bristol, fin. div.

### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Joseph Raynes*, Nottingham, laceman, April 5 at 1, Court of Bankruptcy, London.—*John Tilbury* the younger, Gloucester-place, New-road, Middlesex, coachmaker, April 4 at 12, Court of Bankruptcy, London.—*William Bowditch*, Exeter, Devonshire, grocer, April 4 at 12, Court of Bankruptcy, London.—*Thomas Curtis Bird*, Lee, Kent, baker, April 5 at half-past 12, Court of Bankruptcy, London.—*Joseph Watson*, Liverpool, broker, April 6 at 12, District Court of Bankruptcy, Liverpool.—*James Seoble Riley*, Liverpool, commission merchant, April 6 at 11, District Court of Bankruptcy, Liverpool.—*George Warhurst*, Leigh, Lancashire, ironmonger, April 6 at 12, District Court of Bankruptcy, Manchester.

*To be granted, unless an Appeal be duly entered.*

*John Read*, Hart-st., Bloomsbury, Middlesex, licensed victualler.—*James Dummelow* the younger, Fenchurch-street, London, broker.—*William Henry Bridge* the younger, Warborough, near Odiham, Hampshire, butcher.—*Geo. William Bright*, Swansea, Glamorganshire, licensed victualler.—*John Isnell*, Weston, Herefordshire, grocer.

### SCOTCH SEQUESTRATIONS.

*John M'Donell*, Baillieston, Lanarkshire, draper.—*George Buchanan*, Glasgow, dealer in shares.—*Robert Cochran*, deceased, Port-Glasgow, manufacturer.—*Duncan & Steven*, Glasgow, merchants.

### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Matthew Siggs*, Liverpool, out of employment, March 20 at 10, County Court of Lancashire, at Liverpool.—*H. Timms*, West Derby, Lancashire, brewer, March 20 at 10, County Court of Lancashire, at Liverpool.—*Charles Albert*, Kirkdale, Lancashire, commission agent, March 20 at 10, County Court of Lancashire, at Liverpool.—*James Stroyan*, Liverpool, game dealer, March 20 at 10, County Court of Lancashire, at Liverpool.—*Edward Nicholls*, Birmingham, pocket-book maker, March 25 at 10, County Court of Warwickshire, at Birmingham.—*George Cockayne*, Birmingham, butcher, March 25 at 10, County Court of Warwickshire, at Birmingham.—*Titus Henry Holland*, Birmingham, gun maker, March 25 at 10, County Court of Warwickshire, at Bir-

mingham.—*John Keeling*, Wild Green, near Sutton Coldfield, Warwickshire, brewer, March 25 at 10, County Court of Warwickshire, at Birmingham.—*Thos. Collins*, Birmingham, brewer, March 25 at 10, County Court of Warwickshire, at Birmingham.—*Henry Ridley*, Birmingham, manufacturer of patent boxes, April 22 at 10, County Court of Warwickshire, at Birmingham.—*Thos. Baxter*, Chester, lay clerk, March 22 at 10, County Court of Cheshire, at Chester Castle.—*Thos. Bamford*, Dudley, Worcestershire, butty miner, March 24 at 9, County Court of Worcestershire, at Dudley.—*William Glover*, Sedgley, Staffordshire, moulder, March 24 at 9, County Court of Worcestershire, at Dudley.—*Joshua Croxson*, Wolverhampton, Staffordshire, wheelwright, March 24 at 9, County Court of Worcestershire, at Dudley.—*D. Morris*, Cheltenham, Gloucestershire, out of business, April 18 at 10, County Court of Gloucestershire, at Cheltenham.—*Thomas Balding*, Eton, Buckinghamshire, grocer, April 12 at 10, County Court of Berkshire, at Windsor.—*Lionel Swift*, Southsea, Southampton, engineer in the Royal Navy, April 4 at 11, County Court of Hampshire, at Portsmouth.—*Samuel Holmes*, Rounds, near Thrapton, Northamptonshire, registrar of births, March 31 at 10, County Court of Northamptonshire, at Thrapton.—*J. Richardson*, Rotherham, Yorkshire, carrier, March 31 at 12, County Court of Yorkshire, at Rotherham.—*T. Gittins*, Taburn Lodge, near Wrexham, Denbighshire, blacksmith, March 28 at 10, County Court of Denbighshire, at Wrexham.—*Wm. Reardon*, Dover, Kent, boot maker, March 22 at 11, County Court of Kent, at Dover.—*Elizabeth Fisher*, West Bromwich, Staffordshire, milliner, March 25 at 9, County Court of Staffordshire, at Oldbury.—*Edward Butler*, Old Stratford, Warwickshire, yeoman, March 25 at 11, County Court of Warwickshire, at Stratford-on-Avon.—*Thomas Dixon*, New Swindon, Wiltshire, baker, March 24 at 1, County Court of Wiltshire, at Swindon.—*T. Ashworth*, Runcorn, Cheshire, plumber, March 21 at 10, County Court of Cheshire, at Runcorn.—*Thomas Thomas*, Carmarthen, victualler, March 28 at 2, County Court of Carmarthen, at Carmarthen.—*John Eastman jun.*, Deal, Kent, catter, March 20 at 12, County Court of Kent, at Deal.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*March 29 at 10, before the CHIEF COMMISSIONER.*

*James Forrest*, East-lane, Bermondsey, Surrey, builder.—*George Frost* the younger, Hornsey-road, Holloway-road, St. Mary, Islington, Middlesex, carman.—*William Brock Wild*, Dalby-terrace, City-road, Middlesex, commission agent.

*March 29 at 10, before Mr. Commissioner PHILLIPS.*

*Thos. Whitehurst*, Coulson-street, Splane-square, Chelsea, Middlesex, traveller to an ale brewer.—*William Lock Hurry*, Kingston-upon-Thames, Kingston, Surrey, painter.—*John Watkins*, New Compton-street, Soho, Middlesex, shoemaker.—*Charles Sloper*, Great Castle-street, Regent-street, Middlesex, carver.—*Thomas Hale Edwards*, Garden-row, Camberwell-road, Surrey, van proprietor.—*Jas. Warman*, Paterson-street, Stepney, Middlesex, greengrocer.—*Thomas Alley* the younger, High-street, Deptford, Kent, dealer in china.—*John Vaughan*, Grange-road, Bermondsey, Surrey, out of business.

*March 30 at 11, before Mr. Commissioner PHILLIPS.*

*Geo. Baylis*, Little Queen-street, Westminster, Middlesex, tailor.—*John Henry Flack*, Bethnal-green-road, Middlesex, oilman.—*James Harris*, Parsonage, All Saints, Spicer-street, Mile-end New-town, Middlesex, clerk.—*Richard Taylor*, Uxbridge, Middlesex, butcher.—*Wm. Henry Saville*, Nettleton-court, Nicholl-square, Falcon-square, Aldersgate-street, London, bosier.—*Ralph Carr Spooner*, East-st., Walworth, Surrey, oilman.—*Wm. Thomas*, Margaret-st., Commercial-road East, Middlesex, engineer.—*Chas. Huatington*, Bond-street, Claremont-square, Pentonville, Middlesex, livery-stable keeper.

*Saturday, March 11.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's Inn-fields, on giving the Number of the Case.*

*William White*, Swansea, Glamorganshire, seedsman, No.

77,407 C.; *Evan Evans*, assignee.—*Ham Tite Thomas*, Burton-upon-Trent, Staffordshire, baker, No. 77,462 C.; *George Wild*, assignee.—*Samuel Vincent*, Taunton, Somersetshire, out of business, No. 77,519 C.; *John Clampitt Sercombe*, assignee.—*Elizabeth Adams*, Barking, Essex, out of business, No. 77,578 C.; *Frederick Joseph Hunt*, assignee.—*J. Shaw* the younger, Holborn-hill, City, out of business, No. 64,182 T.; *David Hart*, assignee.—*Samuel Knight*, Fore-st., City, cheesemonger, No. 64,213 T.; —, assignee.—*Pauls Emile Chappius*, Liverpool-street, Bishopsgate-street-Withip, City, commission agent, No. 64,221 T.; *Charles Marie Troupeau*, assignee.—*John Gibson*, Stanwick, Cumberland, pensioner, No. 30,422 C.; *Samuel Sturgis*, new assignee.—*Samuel Okey*, Goswell-street-road, Middlesex, retired Custom-house clerk, No. 34,027 T.; *Samuel Sturgis*, new assignee.—*J. Hardy*, Kegworth, Leicestershire, maltster, No. 38,692 C.; *John Smith*, new assignee.

*Saturday, March 11.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*William Grey Rea*, Wyndham-place, Bryanstone-square, Middlesex, wine merchant: in the Queen's Prison.—*Robert Wardell*, Vauxhall-gardens, Vauxhall, Lambeth, Surrey, out of employ: in the Queen's Prison.—*Ann Williams*, Pall-mall, Middlesex, lady's maid: in the Debtors Prison for London and Middlesex.—*Benjamin Daniell*, Hope-cottage, Kentish-town, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Henry James Story*, Montpellier-square, Brompton, Middlesex, in no trade: in the Queen's Prison.—*James E. Gibson*, Panton-square, Haymarket, Middlesex, in no profession: in the Queen's Prison.—*John Risdon*, John-street, Portland-town, Middlesex, coach builder: in the Debtors Prison for London and Middlesex.—*George Berry*, Bridge-road, Battersea, Surrey, baker: in the Debtors Prison for London and Middlesex.—*J. Brinkworth*, Albert-terrace, Bishop's-road, Paddington, Middlesex, auctioneer's clerk: in the Debtors Prison for London and Middlesex.—*Lewis Hales*, Saxony-cottages, Mare-street, Hackney, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Walter Whitelaw*, Lower James-street, Golden-square, Middlesex, cutter to a tailor: in the Debtors Prison for London and Middlesex.—*C. Pritchard*, East-place, Walcot-place, Lambeth, Surrey, plumber: in the Gaol of Surrey.—*James Wm. Walsh*, Westbury-road, Harrow-road, Middlesex, attorney-at-law: in the Queen's Prison.—*John Smith*, Brunton-place, Commercial-road East, Middlesex, druggist: in the Debtors Prison for London and Middlesex.—*Robert Elliot*, Argyle-place, Regent-st., Middlesex, commission agent for betting on horse-races: in the Queen's Prison.—*G. T. Simpson*, Coburg-place, Lower-road, Rotherhithe, Surrey, surgeon: in the Queen's Prison.—*S. Clark*, Oval-cottages, Hackney-rd., Middlesex, grocer: in the Debtors Prison for London and Middlesex.—*Henry Marks*, Geo-st., Somers-town, Middlesex, milkman: in the Debtors Prison for London and Middlesex.

*Friday, March 10.*

*(On their own Petitions).*

*Henry Perratt*, Chepstow, Monmouthshire, coach builder: in the Gaol of Monmouth.—*Wm. Robison*, Southam, Warwickshire, in no business: in the Gaol of Warwick.—*Joseph Swinden*, Sheffield, Yorkshire, out of business: in the Gaol of Sheffield.—*Daniel Briscoe*, Ince, Cheshire, farmer: in the Gaol of Chester.—*Thomas Christian*, Leadenhall-street, London, ship agent: in the Gaol of Carlisle.—*Adam Brown*, Stratford-upon-Avon, Warwickshire, tea dealer: in the Gaol of York.—*Wm. Murgatroyd*, Liverpool, out of business: in the Gaol of York.—*Philip Butler*, Leamington Priors, Warwickshire, butcher: in the Gaol of Warwick.—*J. Embleton*, Bamburgh, Northumberland, innkeeper: in the Gaol of Morpeth.—*John Gallagher*, Wolverhampton, Staffordshire, retail brewer: in the Gaol of Stafford.—*Charles Sullings*, Chelmsford, Essex, turner: in the Gaol of Springfield.—*John Rees*, Lamas-street, Carmarthen, out of business: in the Gaol of Carmarthen.—*Joseph Winterbottom*, Ashton-under-Lyne, Lancashire, out of business: in the Gaol of Lancaster.—*S. Heald*, Salford, Lancashire, confectioner: in the Gaol of Lancaster.—*R. Unsworth*, Wigan, Lancashire, out of business: in the Gaol of Lancaster.—*Henry Hayes*, Newton, near Man-

chester, agent for a fire insurance company: in the Gaol of Lancaster.—*John H. Munro*, Hunter-street, Brunswick-sq., Middlesex, in no business: in the Gaol of Lancaster.—*George Jarrett*, Wickam, Welford, Berkshire, builder: in the Gaol of Reading.—*Wm. Upton*, Manchester, out of business: in the Gaol of Lancaster.—*William Lord*, Eccles, near Manchester, retail dealer in ale: in the Gaol of Lancaster.—*Robert Huxon*, Manchester, bookseller: in the Gaol of Lancaster.—*John Hammet*, Liverpool, tailor: in the Gaol of Lancaster.—*Wm. Mercer*, Manchester, out of business: in the Gaol of Lancaster.—*Thomas Woodman*, Lancaster, fish dealer: in the Gaol of Lancaster.—*Wm. H. Dunsford*, Heavitree, Devonshire, out of business: in the Gaol of St. Thomas-the-Apostle.—*Richard Glover*, Cheltenham, Gloucestershire, livery-stable keeper: in the Gaol of Warwick.—*Samuel Potter*, Salford, Lancashire, swivel weaver: in the Gaol of Lancaster.—*Abel Pimblett*, Bolton-le-Moors, Lancashire, out of business: in the Gaol of Lancaster.—*Edward Hyatt*, Liverpool, eating-house keeper: in the Gaol of Lancaster.—*John Hargreaves*, Blackburn, Lancashire, mechanic: in the Gaol of Lancaster.—*G. Wynn*, Manchester, joiner: in the Gaol of Lancaster.

(On Creditor's Petition).

*A. Hewitt*, widow, Woolwich, Kent, lodging-house keeper: in the Gaol of Maidstone.

*The following Prisoner is ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*March 29 at 10, before the CHIEF COMMISSIONER.*

*Stephen Couchman*, The Oval, Hackney-road, Middlesex, in no business.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Carmarthenshire, at CARMARTHEN, March 28 at 2.*

*John Rees*, Carmarthen, cabinet maker.

*At the County Court of Monmouthshire, at MONMOUTH, April 21 at 2.*

*Elam Sims*, Tredegar, gentleman's servant.

MEETING.

*John Percy* the younger, Roehampton-place, Vauxhall-bridge-road, and Douro-cottages, St. John's-wood, Middlesex, builder, March 30 at 12, Nichols & Clark's, 9, Cook's-court, Lincoln's-inn, sp. aff.

Her Majesty has been pleased to appoint John Letang, Esq., to be her Majesty's Attorney-General for the Island of Dominica; and also John Watts Ehdén, Esq., to be her Majesty's Solicitor-General for the Colony of the Cape of Good Hope.

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed the following Gentlemen to be Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women:—*Frederick Thomas Elgie*, Worcester, in and for the city of Worcester, also in and for the county of Worcester; *Robert Daniel Newill*, Wellington, Shropshire, in and for the county of Salop; *John Dickonson Holmes*, Barnard Castle, Durham, in and for the county of Durham; *Thomas Greenwood Teale*, Leeds, in and for the West Riding of Yorkshire.

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# The Jurist

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LONDON, MARCH 25, 1854.

WE return this week, on the eve of the closing of the Chancery sittings previously to Easter Term, to the subject of the Courts of equity sitting at Westminster during the two terms that Parliament is sitting, for the purpose of again bringing to the notice of the Profession, and of the heads of the Profession, the great and now almost incalculable inconvenience of the sittings being held at Westminster. It was an inconvenience years ago, even in the palmy days of heavy and slow Chancery business, when Master's office business was done in the Master's office, and when the Court never, or very rarely, sat beyond three. But since the new Procedure Act has come into full operation, the inconvenience has grown to be an absolute nuisance to the greater part of the inner Bar, to the whole of the

working outer Bar, and to nearly the whole body of solicitors. How it is that the judges themselves bear it we do not understand, except on the assumption that judicial habits induce a sort of dignified phlegmatism, which indisposes those eminent persons to complain of anything. That they must personally feel the inconvenience we are satisfied. We have ourselves frequently, in walking up from Westminster at the rising of the Courts, been passed by a learned Vice-Chancellor at a speed which indicated plainly that he was "due" in chambers at four, with but small chance of reaching Lincoln's Inn in time, except by great personal exertion.

Let us see, however, how the system really works. The Courts at Westminster sit at ten; the offices which are in and about Lincoln's Inn open at ten; consequently nothing that is officially wanted at the Court, can be procured so as to be there before about eleven, unless procured the night before. The Courts sit till about half-past three, often till four; some till half-past three, some till four and past. There is no settled hour for the judges sitting in chambers: it may happen that a Vice-Chancellor rises at three, and goes to chambers by half-past; and the same day the Master of the Rolls may sit till half-past four; so that a solicitor attending the last cause at the Rolls, and having a case in chambers before the Vice-Chancellor at four, can by no possibility attend to both. It may be said, at this point

happen if the Courts sat at Lincoln's Inn. True, it *might* happen; but would be not nearly so likely to happen.

Then as regards counsel: the Courts sitting later than they used, and inevitably later, because there is more to be got through in court, the consultations are necessarily also later. On an average, leading counsel require from an hour and a half to two hours for their afternoon's consultations. When the Courts sit at Lincoln's Inn, and the counsel go direct to their chambers in a few minutes, it is possible for the consultations to be got through by six o'clock. But add the half hour which, between unrobing, getting to chambers, and getting breath, is wasted, and it is no longer possible. It may be said, but all this is a question of half an hour. But we say in answer, that as it is the last straw that breaks the camel's back, so it is the last half hour that deadens the counsel's brain and paralyses his stomach; and half an hour at the most valuable part of the day is no mean portion of time.

Then as to the draftsmen: it is true that drawing is not what it was in quantity, but it is much more troublesome, and requires much more the eye and hand of the master. No man, it is admitted on all hands, can do his drawing business at Westminster. In court it is of course out of the question—first, because there are no tables; secondly, because there are no books; thirdly, because there is no quiet. We have seen men making desperate attempts to settle a draft in the little box at the corner of Sir W. P. Wood's Court, called a room for counsel, but the attempt has generally been given up after a few struggles. Practically, and as a fact, we fear no denial in asserting, that he who, having court business at Westminster, can, while waiting for it, draw, or even settle, ten pages of any pleading in a day, is a miracle of draftsman power; so that, unless a man is engaged all day long in causes, the time he wastes unwillingly is perfectly fruitful.

Now, then, all this being undeniable, *cui bono*? Who really derives any benefit from it? Certainly not half-a-dozen of the Chancery Bar. Perhaps the Attorney or Solicitor General of the day, and two or three of the most eminent leaders usually pitted against that functionary, may find a convenience in oscillating between the Court of Chancery and the House of Lords; but even to them the inconvenience of not having that convenience, would be a trifle as compared with the inconvenience which the rest of the Profession suffer from the equity sittings being held nearly two miles from all the offices and all the counsel's chambers. And surely, even if the inconvenience, to a few great leaders, of the sittings being at Lincoln's Inn were much greater than it would be, it is not at this day that the claims of a whole Profession ought to be sacrificed to those of a few men, however eminent, however respected, however popular among their brethren and their clients. Then comes the great argument in favour of Westminster—the prestige. Shall we quit the old Hall, the scene of so many forensic glories—where the law of England grew and matured itself—where so long a line of grave and learned magistrates has adorned the judgment-seat? Shall we sever altogether the connexion between the two Bars, and interfere with that friendly intercommunication which leads to a

commingling of learning, and to the strength and unanimity of the English Bar, &c. &c.? Now, prestige is not a thing to be despised when it rests on something substantial. When there really was a sort of exclusive possession by Westminster of legal learning—that is, when no judge but the Chancellor and the Master of the Rolls ever sat at Lincoln's Inn, and the Term sittings were as long as the Vacation sittings—it was not unsubstantial to attribute a legal sanctity to Westminster Hall. So, when the two Bars were so far distinct that the Chancery Bar was, in fact, scarcely a Bar, and would have been forgotten if it did not commingle with the Common-law Bar, and had scarcely any other means of doing so except through Westminster Hall sittings, there was substance in clinging to Westminster; and the prestige was reverend, because real. But now the face of affairs has totally changed. Westminster Hall is rapidly being merged in Lincoln's Inn; amalgamation, or partial amalgamation, of the two Bars is almost at our doors; and every ground of substance on which the old prestige was supported has crumbled away, or is doomed in a very few years to crumble away. Let us not, then, sacrifice substance to a vain imagination, but all unite in respectfully urging on the authorities the claims of the public and the Profession, to have the equity sittings permanently there, where the public business can be most conveniently and expeditiously transacted.

## COUNTY COURTS COMMISSION.

THE following answer to the 57th query of the County Court Commissioners has been sent to them by a County Court Judge:—

### GENERAL QUESTION.

57. *Can you suggest any amendment, addition, or improvement in the statutes, rules, or forms?*

### ANSWER.

#### I. Statutes.

Repeal stat. 9 & 10 Vict. c. 95, ss. 128, 129, (except as relates to actions against officers), and stat. 15 & 16 Vict. c. 54, s. 4, (so far as relates to concurrent jurisdiction), and give the county court judge power, in all cases, to allow travelling expenses to a plaintiff or defendant who resides in another jurisdiction.

Enact that a defendant sued in the superior courts for a debt or damages not exceeding 50*l.* may, within ten days after service of the writ, enter an appearance in the clerk's office of the county court in the district in which he resides, by leaving his name with the clerk for registration, and paying a small fee. Clerk to give notice to the plaintiff. Mode of entering appearance to be indorsed on the writ\*.

Repeal part of stat. 9 & 10 Vict. c. 95, s. 58, commencing at the words "or in which the title," and ending with the word "disputed;" and alter accordingly stat. 13 & 14 Vict. c. 61, s. 1. Give dissatisfied party a right of appeal, or (both parties consenting) a case, as after mentioned. (Vide *infra*).

Give county court power to entertain actions of

\* The object of this is not to deprive a plaintiff of the right of pursuing his remedy in the superior courts, where he is justly entitled to do so, but to prevent the abuse of the Common-law Procedure Act, (15 & 16 Vict. c. 76), in a manner which I shall be ready to explain if called upon, but which is probably already well known to the commissioners.



jectment as to real property within the jurisdiction, where the property does not exceed 100*l.* in value, and the defendant has, or claims, no other real property; with appeal or case.

Give county court the power of committal for non-payment of costs.

Make county court a court of probate, in respect of personal estates not exceeding 200*l.* in value, of persons dying within the district. Probate duty, 2*l.* 10*s.* per cent., receivable by clerk. Estate to be administered in county court as in a court of equity.

Give county court power, on the death of a person seized in fee of real estate not exceeding 200*l.* in value, lying within the jurisdiction, (the deceased dying seized of no other real estate), to decree a sale of the estate and payment of his debts, according to the practice of a court of equity. Provide for the case where the estate lies in more than one district.

Give county court power to decree specific performance of contracts where subject-matter does not exceed 200*l.* in value.

Give county court power to order delivery up of deeds, papers, and documents, as against persons claiming a lien upon them in respect of demands not exceeding 50*l.* Cases over 20*l.* in amount to be subject to appeal.

Give county court general power of annexing equitable conditions to orders made in actions.

Extend process in actions to Scotland, where contract took place in England.

## II. Rules.

Repeal rule 3, (which operates most vexatiously and uselessly in country circuits\*); rules 18, 21, and the latter part of 22, (which involve unnecessary trouble and expense); rule 38, (the oath required by which is unnecessary and improper); and rule 78.

Extend the provisions of rules 52 and 56 to the sheriff's court in London.

Add to rule 84 the words, "provided always, that the judge may, in his discretion, order the costs of every adjournment to be costs in the cause."

## General Suggestions.

Do not alter the law as to service of process.

Do not, in any case, enable a plaintiff to establish his case merely on his own oath or affidavit of debt.

Except in cases of extended jurisdiction, do not extend the power of appeal; but in all actions, whether appealable or not, give county court judge authority, at his discretion, to lay a printed case, consented to by both parties, before judge in Chancery or judge of superior courts of law, such judge to be required to give his opinion thereon.

Do not alter the present mode of paying attorneys practising in county courts. If necessary, provide for a *specific* addition to their present fees, whether at the discretion of the judge or not; but lay no foundation for bills of costs.

Do not interfere with the county court judge's freedom of action, either as regards the days of holding courts, the hours of sitting, or any other matter of that nature. The more the judge has to do, the less ought he to be impeded. If he misbehaves, let him be called to account, but do not tie his hands.

Do not compel a strict uniformity of practice in matters of minor importance.

Do not frame a new code of rules, but add any new rules that may be required, by way of supplement, to the old ones.

\* The sitting at an inferior town in a country circuit frequently occupies no more than two hours, one hour, or even less; yet, by rule 3, a judge must remain until another day before he can hold another court, involving probably no greater amount of business.

## COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.

The Lord Chancellor, under the powers of the 16 & 17 Vict. c. 78, intituled "An Act relating to the Appointment of Persons to administer Oaths in Chancery, and to Affidavits made for Purposes connected with Registration," has appointed the following gentlemen to be Commissioners for administering Oaths in Chancery:—

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Madgwick Spicer Davidson, 18, Spring-gardens.

George Blake, Carlton-chambers, 8, Regent-street.

Mark Henry Gregory, Wax Chandlers'-hall, Gresham-street West, City.

James Thomas Cookney, 5, Lamb's Conduit-place, Foundling Hospital.

John Rogers, 40, Jermyn-street, St. James's, Westminster.

Richard Hart, 16, Austin-friars, City.

Hugh William Elcum, 13, Bedford-row, Holborn.

Charles James Graham, 3, Plowden-buildings, Middle Temple.

John James Andrew, White Hart-court, Lombard-street.

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Charles Francis, 22, Austin-friars, City.

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### To be Commissioners in England.

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Frederick Clark, Snaith, Lincolnshire.

John Hellyer Tozer, Teignmouth, Devonshire.

## London Gazettes.

FRIDAY, MARCH 17.

### BANKRUPTS.

THOMAS COLYER, High Holborn, Middlesex, licensed victualler, March 28 at 12, and April 27 at half-past 11, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Martineau & Reid, 2, Raymond-buildings, Gray's-inn.—Petition filed March 15.

THOMAS BURROWES MOSS, Little Tower-street, London, tea and colonial dealer, March 24 and April 28 at half-past 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Moss, 86, Queen-street, Cheapside.—Petition filed March 15.

MARY PARKES, Golden-square, Middlesex, printer and publisher, April 4 at 1, and May 2 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Cole, 14, Tokenhouse-yard, London.—Petition filed March 15.

WILLIAM FORBES, Birmingham, stationer and book-binder, dealer and chapman, April 5 and 26 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Hodgson, Birmingham.—Petition dated March 7.

JOHN SYMMONS, Bristol, cut nail and shoe heel manufacturer, dealer and chapman, March 30 and April 25 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Crosby, Bristol.—Petition filed March 14.

JOHN DRISCOLL, Cardiff, Glamorganshire, potato merchant, dealer and chapman, March 29 and April 26 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Bird, Cardiff.—Petition filed March 14.

**CHARLES FERGUSON**, Hitchin, Hertfordshire, draper, dealer and chapman, March 24 and April 28 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Longmore & Co., Hertford; Sole & Co., 68, Aldermanbury, London.—Petition filed March 6.

**JOHN HUNTER**, Fazeley, Staffordshire, tape and lace manufacturer, dealer and chapman, April 1 and 29 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Hodgson, Birmingham.—Petition dated March 11.

**JAMES MATTHIAS**, Swansea, Glamorganshire, linen-draper, March 29 and April 26 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Leman & Humphreys, Bristol.—Petition filed Feb. 27.

**WILLIAM DUNCAN**, Kingston-upon-Hull, grocer, April 5 and May 3 at 12, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Carrick; Sols. Richardson & Lee, Kingston-upon-Hull.—Petition dated March 15.

**JAMES SHANNON**, Liverpool, linendraper, dealer and chapman, March 29 and April 19 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sol. Bretherton, Liverpool and Birkenhead.—Petition filed March 8.

**WILLIAM JONES**, Liverpool, slater and plasterer, dealer and chapman, March 30 and April 28 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sol. Conway, Liverpool.—Petition filed March 16.

**JAMES HUGHES**, Birkenhead, Cheshire, coal merchant, dealer and chapman, March 30 and April 28 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sol. Hough, Carlisle.—Petition filed March 7.

**JOHN FRATER**, Manchester, brewer, dealer and chapman, March 28 and April 25 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Richardson, Bolton-le-Moors; Cobbett & Wheeler, Manchester.—Petition filed March 16.

#### MEETINGS.

*Walter Bridgewater Williams*, Burr-st., East Smithfield, Middlesex, wine merchant, March 28 at 2, Court of Bankruptcy, London, ch. ass.—*Robert Bishop*, Vere-st., Oxford-st., Middlesex, hotel keeper, March 28 at 1, Court of Bankruptcy, London, last ex.—*Philip Oliver*, Edward-square, Brompton, Middlesex, and Llnbadarnfwr, Cardiganshire, dealer in mining shares, March 28 at 1, Court of Bankruptcy, London, last ex.—*Wm. Harknell*, Barking, Essex, builder, March 28 at 12, Court of Bankruptcy, London, last ex.—*R. F. Cooper*, Three Colt-street, Limehouse, Middlesex, oilman, March 29 at 12, Court of Bankruptcy, London, aud. ac.; at 1, last ex.—*John Kay*, Prestwich, near Manchester, calico manufacturer, March 29 at 12, District Court of Bankruptcy, Manchester, last ex.—*John Tillury* the younger, Gloucester-place, New-road, Middlesex, coachmaker, April 4 at 12, Court of Bankruptcy, London, aud. ac.—*Henry Chancellor*, Great Yarmouth, Norfolk, tailor, April 6 at 2, Court of Bankruptcy, London, aud. ac.—*Benjamin Miller*, Landport, Portsea, Southampton, mercer and draper, April 6 at 1, Court of Bankruptcy, London, aud. ac.—*John Wells*, Bold-place, Marlborough-road, Queen's-road, Dalston, Middlesex, builder, March 29 at 12, Court of Bankruptcy, London, aud. ac.—*Jas. Richardson*, *John Sanders Wicks*, and *Henry Smith*, Upper Queen's-buildings, Brompton, Middlesex, upholsterers, March 29 at 12, Court of Bankruptcy, London, aud. ac.—*John Angus Homes*, High-street, Southwark, and Portland-cottages, Hatcham, Surrey, woollendraper, March 28 at 11, Court of Bankruptcy, London, aud. ac.—*David Sutherland*, Preston, Lancaster, seed merchant, March 27 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Henry Griffiths*, Birmingham, tailor, March 12 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; April 13 at 12, div.—*William Lynall*, Birmingham, April 12 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Howard James* and *Thomas James*, Rusball-mills, Rusball, Staffordshire, millers, April 12 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; April 13 at 12, div.—*John Jones* the younger and *Thos. Oakes*, Kingswinford, Staffordshire, iron-masters, April 25 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*John Spencer* and *Joseph Pullan*, Thornton, Bradford, Yorkshire, top makers, March 30 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Thomas Corby*, Lower Eaton-street, Pimlico, Middlesex, builder, April 10 at 1, Court of Bankruptcy, London, div.—*Leonard S. Butler*, Ludgate-hill, London, and City-road Basin, Middlesex, sta-

tioner, April 10 at 11, Court of Bankruptcy, London, div.—*Thomas Kent Clay*, Ironmonger-lane, London, woollen warehouseman, April 8 at half-past 2, Court of Bankruptcy, London, div.—*George Franks*, Blackfriars-road, Surrey, surgeon and apothecary, April 7 at 2, Court of Bankruptcy, London, div.—*Henry Parry* and *John Underwood*, Change-alley, London, bill brokers, April 7 at 1, Court of Bankruptcy, London, div. joint est., and div. sep. est. of *Henry Parry*.—*G. Luckin*, High Holborn, Middlesex, bootmaker, April 7 at 1, Court of Bankruptcy, London, div.—*J. Robins* and *Chas. Williams*, London-wall, London, carriers, April 7 at 2, Court of Bankruptcy, London, div. sep. est. of *J. Robins*.—*John Stevens*, Abchurch-lane, London, merchant, April 7 at 1, Court of Bankruptcy, London, fin. div.—*Wm. Pearce*, Southborough, Kent, dealer and chapman, April 7 at 1, Court of Bankruptcy, London, fin. div.—*R. Spenceley* and *J. M. Spenceley*, Wapping, Middlesex, and Clyde Dock, Rotherhithe, Surrey, sailmakers, April 11 at 11, Court of Bankruptcy, London, div.—*James Sadler*, Vere-street, Clare-market, Middlesex, tallow chandler, April 13 at 11, Court of Bankruptcy, London, div.—*Henry Allen*, Bristol, chemist, April 11 at 11, District Court of Bankruptcy, Bristol, div.—*Benjamin Fisher*, Gloucester, currier, April 6 at 11, District Court of Bankruptcy, Bristol, fin. div.—*Henry Clarke*, Sheffield, Yorkshire, builder, April 8 at 11, District Court of Bankruptcy, Sheffield, div.—*George Bennett*, Birmingham, licensed victualler, April 8 at 10, District Court of Bankruptcy, Birmingham, div.—*Andrew Love* and *Charles Keys*, Liverpool, looking-glass manufacturers, April 7 at 11, District Court of Bankruptcy, Liverpool, div. joint est., and div. sep. est. of *A. Love*.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*John Smith* and *Jas. Smith*, Brighton, Sussex, and King-street, Snow-hill, London, stationers, April 7 at half-past 12, Court of Bankruptcy, London.—*Henry Green*, Stoke-by-Nayland, Suffolk, baker, April 7 at 1, Court of Bankruptcy, London.—*John Hodges* and *John F. Hodges*, New Bond-st., Middlesex, hosiers, April 8 at half-past 12, Court of Bankruptcy, London.—*Wm. Charlton*, Basingstoke, Southampton, grocer, April 7 at 12, Court of Bankruptcy, London.—*Henry Allen*, Bristol, chemist, April 19 at 11, District Court of Bankruptcy, Bristol.—*Wm. Hesbeth*, Blackburn, Lancashire, cotton manufacturer, April 10 at 12, District Court of Bankruptcy, Manchester.—*J. M. Colm*, Manchester, waste dealer, April 10 at 12, District Court of Bankruptcy, Manchester.—*Robert Milner*, Doncaster, Yorkshire, hatter, April 8 at 12, District Court of Bankruptcy, Sheffield.—*James Osborne*, Kidderminster, Worcestershire, tailor, April 26 at 12, District Court of Bankruptcy, Birmingham.

*To be granted, unless on Appeal be duly entered.*

*James Sadler*, Vere-street, Clare-market, Middlesex, tallow chandler.—*William Emery*, Leighton Buzzard, Bedfordshire, grocer.—*Micah Mellor*, Clare, Suffolk, innkeeper.—*Jacob Connop*, New Finchley-road, St. John's-wood, Middlesex, bill broker.—*Thomas Thorne*, Hastings, Sussex, plasterer.—*Thomas Wilkinson*, Openshaw, Lancashire, builder.—*John Totty Mercer*, Manchester, plumber.—*Henry Reading*, Birmingham, draper.—*John Wilson*, Sheffield Park, Sheffield, Yorkshire, spring-knife manufacturer.

#### PETITION ANNULLED.

*Thomas Gateley*, Derby and Birmingham, iron merchant.

#### PARTNERSHIP DISSOLVED.

*John Scott*, St. Swithin's-lane, London, and *Lewis Fred. Edwards*, Southampton-buildings, Middlesex, attorneys-at-law and solicitors.

#### SCOTCH SEQUESTRATIONS.

*Robert Wilson*, Glasgow, calenderer.—*John Stewart*, jun., Glasgow, writer.—*Peter M' Laren & Co.*, Glasgow, ship carpenters.

#### INSOLVENT DEBTORS.

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Peter Donnelly*, Bootle, near Liverpool, stevedore, March 20 at 10, County Court of Lancashire at Liverpool.—*Martha Day*, widow, Blagdon and Nemonett, Somersetshire, servant,

April 4 at 12, County Court of Somersetshire, at Temple Cloud.—*Josiah Bindon*, Wells, Somersetshire, farm bailiff, April 5 at 10, County Court of Somersetshire, at Wells.—*S. Singleton*, Stalybridge, Lancashire, licensed victualler, March 23 at 12, County Court of Lancashire, at Ashton-under-Lyne.—*Charles Healing*, Bristol, retailer of beer, April 27 at half-past 10, County Court of Gloucestershire, at Bristol.—*John Rouse*, Bristol, plumber, April 27 at half-past 10, County Court of Gloucestershire, at Bristol.—*The Rev. J. L. Barton*, Catherington, Southampton, schoolmaster, April 15 at 11, County Court of Hampshire, at Petersfield.—*Henry Goff*, Offchurch, Warwickshire, blacksmith, March 31 at 10, County Court of Warwickshire, at Warwick.—*D. Farmer*, Leamington Priors, Warwickshire, lodging-house keeper, March 31 at 10, County Court of Warwickshire, at Warwick.—*J. Steel*, Warwick, in no business, March 31 at 10, County Court of Warwickshire, at Warwick.—*George Foreman*, Great Yarmouth, Norfolk, baker, April 10 at 10, County Court of Norfolk, at Great Yarmouth.—*Robert S. Johnson*, Southtown, Suffolk, out of business, April 10 at 10, County Court of Norfolk, at Great Yarmouth.—*Samuel Farman*, Great Yarmouth, Norfolk, publican, April 10 at 10, County Court of Norfolk, at Great Yarmouth.—*Robert Gregory*, Tring, Hertfordshire, March 30 at 10, County Court of Buckinghamshire, at Aylesbury.—*Joseph Gough*, Aylesbury, Buckinghamshire, licensed victualler, March 30 at 10, County Court of Buckinghamshire, at Aylesbury.—*William John Harrison*, Balbro, Derbyshire, coal miner, April 8 at 11, County Court of Nottinghamshire, at Worksop.—*Wm. T. Cater*, Worksop, Nottinghamshire, beer retailer, April 8 at 11, County Court of Nottinghamshire, at Worksop.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*March 31 at 10, before the CHIEF COMMISSIONER.*

*Robert Broad*, Portland-place, Portland-road, Kensington, Middlesex, grocer.—*N. G. Mussabini*, Hunter-street, Brunswick-square, Middlesex, literary writer.

*April 3 at 11, before the CHIEF COMMISSIONER.*

*Richard Peyton*, Pilgrim-street, Ludgate-hill, London, shoemaker.—*Alexander Muirhead*, Stacey-street, Stepney, Middlesex, locker in her Majesty's Customs.—*H. S. Peach*, Selaley-place, Whitehead's-grove, Chelsea, Middlesex, clerk to an architect.—*Thomas Robert Davey*, Brick-lane, Bethnal-green, Middlesex, carpenter.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*March 31 at 10, before the CHIEF COMMISSIONER.*

*John Tyne*, Archer-street, Westbourne-grove West, Kensington, Middlesex, builder.—*Wm. Rutson the elder*, Chipperfield-common, near Rickmansworth, Hertfordshire, linen draper.

*March 31 at 10, before Mr. Commissioner MURPHY.*

*Thomas Tarrant*, South-street, Hercules-buildings, Lambeth, Surrey, ironmonger.—*J. Manning*, Drummond-street, Euston-square, Middlesex, baker.—*J. Bartlett*, Cambridge-road, Bethnal-green, Middlesex, distraining broker.—*Thomas Boyle*, Walbrook, London, town traveller to the Patent Day-light Reflector Company.—*Ann Williams*, Pall-mall, Middlesex, lady's maid.

*April 1 at 11, before Mr. Commissioner PHILLIPS.*

*Thomas Raymond*, Bishops, Paddington, Middlesex, auctioneer.—*Robert Swift*, Emma-place, Devonport-street, Commercial-road East, Middlesex, engineer.—*Edward Flanagan*, Molyneux-street, Edgeware-road, Middlesex, out of business.—*Robert Wardell*, Vauxhall-gardens, Vauxhall, Surrey, leasee.—*Edmund Henry Plummer*, Grange-road, Bermondsey, Surrey, commission agent.

*April 3 at 11, before the CHIEF COMMISSIONER.*

*Thomas Packer*, Blackman-street, Newington, Surrey, lithographic artist.—*Robert Meikleham*, Park-cottages, Hammersmith, Middlesex, publisher.

*Adjourned Hearing.*

*John B. Cash*, Cannon-street, St. George's-in-the-East, Middlesex, beer-shop keeper.

*April 3 at 11, before Mr. Commissioner PHILLIPS.*

*Christopher Fisk*, Angel-row, Hammersmith, Middlesex, cheesemonger.—*George Berry*, Bridge-road, Battersea, Surrey, baker.

*Adjourned Hearing.*

*Harriet Hill*, Charlotte-street, Caledonian-road, Islington, Middlesex, out of business.

*County Court of Lancashire, at Lancaster. Assignees have been appointed in the following Cases:—*

*Henry Verrey*, Heaton Norris, near Manchester, tailor, No. 77,610; *Samuel Glendinning*, assignee.—*Thos. J. Hampson*, Chorlton-upon-Medlock, Manchester, warehouseman, No. 77,611; *Joseph Crowther*, assignee.—*Henry Taylor*, Manchester, milk seller, No. 77,600; *Isaac Phillipson*, assignee.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Hertfordshire, at HERTFORD, March 23.*

*John Hollingsworth*, Braughing, attorney.

*At the County Court of Lancashire, at LANCASTER, March 31 at 12.*

*Wm. F. Dewhurst*, Manchester, out of business.—*Robert Gibson*, Wigan, mariner.—*Wm. Upton*, Manchester, out of business.—*James Chapman*, Oldham, joiner.—*Thomas P. Pino*, Seacombe, near Liverpool, master mariner.—*J. Taylor*, Ancoats, Manchester, engineer.—*Robert Huson*, Manchester, bookseller.—*Samuel Heald*, Salford, confectioner.—*Henry Hayes*, Manchester, agent for a fire insurance company.—*Richard Scott*, Bolton-le-Moors, linendraper.—*J. Morton*, Manchester, provision dealer.—*Thomas Woodman*, Lancaster, fish dealer.—*Wm. Lord*, Eccles, near Manchester, carter.—*Wm. Mercer*, Manchester, out of business.—*John Mitchell*, Dukinfield, Cheshire, stonemason.—*John Livesey*, Blackburn, out of business.—*Adam S. Leech*, Manchester, agent.—*James Oyden*, Ashton-under-Lyne, photographic artist.—*R. Culshaw*, Preston, joiner.—*Ralph Unsworth*, Wigan, out of business.—*John Hamlet*, Liverpool, tailor.—*John Bradbury*, Heaton Norris, hosier.—*Samuel Potter*, Salford, swivel weaver.—*J. Handbury*, Manchester, potato dealer.—*E. Hyatt*, Liverpool, eating-house keeper.—*George Wynn*, Manchester, joiner.—*John Hargreaves*, Blackburn, mechanic.—*Edward N. Davis*, Macclesfield, silk manufacturer.

*At the County Court of Warwickshire, at WARWICK, March 31 at 10.*

*Joseph Scarlett*, Haseley, miller.—*John Manning*, Birmingham, tailor.—*Philip Butler*, Leamington Priors, butcher.—*Wm. Robison*, Cublington, beer-shop keeper.—*A. Brown*, Stratford-upon-Avon, tea dealer.—*Richard Glover*, Cheltenham, licensed victualler.

*At the County Court of Northumberland, at MORPETH, March 31 at 10.*

*John Embleton*, Bamburgh, innkeeper.—*Richard Whittle*, Tynemouth, innkeeper.—*Richard Baker*, North Shields, innkeeper.

*At the County Court of Lancashire, at MANCHESTER, April 3 at 12.*

*Thomas Yowil*, Manchester, commission agent.—*Adam Mathison*, Manchester, brewer's traveller.—*Fred. Draffen*, Manchester, tailor.

*At the County Court of Dorsetshire, at DORCHESTER, April 4 at 12.*

*Wm. Selfe*, Wareham, watchmaker.

**TUESDAY, MARCH 21.**

**BANKRUPTS.**

**JOSEPH SEAGER**, Ramsgate, Kent, draper, dealer and chapman, March 31 and May 5 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Sale & Co., Manchester; Reed & Co., 59, Friday-street, Cheapside, London.—Petition filed March 4.

**HENRY CHARLES PALMER**, Stone's-end, Borough, Surrey, retail hatter, March 30 at half-past 12, and April 27 at 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Pulman, 30, Bucklersbury.—Petition filed March 17.

**CHARLES EDWARD REINHARD**, Rochester, Kent, coal and cement merchant, dealer and chapman, (carrying on business with Thomas Sidden the younger, under the style and firm of Reinhard & T. Sidden, jun.), March 30 at 11, and May 4 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Stronghill, 7, Coleman-street.—Petition filed March 20.

**SIMON STEVENS**, Charlwood-place, Pimlico, Middlesex, builder, dealer and chapman, April 4 at 2, and May 2 at 1, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Pike, 26, Old Burlington-street, London.—Petition filed March 17.

**PETER EMERY**, Brighton, Sussex, licensed victualler, April 1 at 12, and May 13 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Barron & Clarke, 29, Bloomsbury-square.—Petition dated March 17.

**FREDERICK SHOVE**, Eltham, Kent, grocer and cheese-monger, April 4 at 1, and May 2 at 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Long, 179, Blackfriars-road, Surrey.—Petition filed March 20.

**ISAAC STEANE**, Coventry, Warwickshire, ribbon manufacturer, April 5 and 27 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Dewes & Son, Coventry; Motteram & Knight, Birmingham.—Petition dated March 18.

**JOSEPH WADDINGTON**, Knottingley, Yorkshire, shoemaker, dealer and chapman, April 3 at 11, and May 1 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Horner, Pontefract; Bond & Barwick, Leeds.—Petition dated March 17.

**WILLIAM CRAWSHAW**, Wakefield, Yorkshire, draper, dealer and chapman, April 3 at 12, and May 1 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Hampson & Sons, Manchester.—Petition dated March 13.

**GEORGE HAVELOCK and MATTHEW BENJAMIN ROBSON**, Monkwearmouth, Durham, ship builders, March 31 and April 27 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Kidson & Dixon, Sunderland; Pringle & Co., King's-road, Bedford-row, London.—Petition filed March 15.

#### MEETINGS.

*James Cowderoy*, Hammersmith, Middlesex, omnibus proprietor, April 4 at 12, Court of Bankruptcy, London, last ex.; April 5 at 1, aud. ac.—*John Gray*, Hulme, Manchester, butcher, April 4 at 12, District Court of Bankruptcy, Manchester, last ex.—*Joseph Ellis*, Ardwick, near Manchester, joiner, April 6 at 12, District Court of Bankruptcy, Manchester, last ex.—*Richard Brownlow*, Ardwick, Manchester, starch manufacturer, April 6 at 11, District Court of Bankruptcy, Manchester, last ex.—*Mary Ann Thomas and Wm. Thomas*, Upper King-st., Bloomsbury, and Green-street, Theobald's-road, Middlesex, builders, April 5 at 1, Court of Bankruptcy, London, aud. ac.—*Hannah Mathew and John Mathew*, Holland-street, Blackfriars-road, Surrey, wheelwrights, April 5 at 12, Court of Bankruptcy, London, aud. ac.—*Robert F. Miller*, Hammersmith, Middlesex, coach builder, April 5 at 12, Court of Bankruptcy, London, aud. ac.—*Samuel Godfrey Moulton Scowen*, Wood-street, Cheapside, London, warehouseman, April 5 at 12, Court of Bankruptcy, London, aud. ac.—*Wm. Charlton*, Basingstoke, Southampton, grocer, April 7 at 12, Court of Bankruptcy, London, aud. ac.—*Jacob Stone*, Little Moorfields, London, coachmaker, (in partnership with Eliz. Hill), April 7 at 12, Court of Bankruptcy, London, aud. ac.—*Andrew Love and Charles Keyes*, Liverpool, looking-glass manufacturers, March 31 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*John Rothwell*, Southport, Lancashire, grocer, March 31 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*William Marshall*, South Shields, Durham, shipowner, April 4 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*John Mellor*, Manchester, innkeeper, April 5 at 12, District Court of Bankruptcy, Manchester, aud. ac.; April 12 at 12, div.—*John Hetherington, Thos. Hetherington, and George Barlow*, Manchester, joiners, April 5 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*John H. Whitfield and Francis Lyth*, York, builders, April 11 at 11, District Court of Bankruptcy, Leeds, aud. ac.

sep. est. of *John H. Whitfield*.—*Henry Clarke*, Sheffield, Yorkshire, builder, April 8 at 10, District Court of Bankruptcy, Sheffield, aud. ac.—*Joseph Hopkinson*, Barlborough, Derbyshire, brick maker, April 1 at 12, District Court of Bankruptcy, Sheffield, aud. ac.—*John Bloomer and Jonathan Philipps*, Sheffield, Yorkshire, joiners' tool manufacturers, April 1 at 12, District Court of Bankruptcy, Sheffield, aud. ac. joint est., and aud. ac. sep. est. of *Jonathan Philipps*.—*J. Metcalfe and T. Metcalfe*, Cambridge, upholsterers, April 11 at 11, Court of Bankruptcy, London, div.—*A. Palmer*, Great Hadham, Hertfordshire, grocer, April 11 at 11, Court of Bankruptcy, London, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Henry Kirk*, Portland-terrace, St. John's Wood, Middlesex, hay dealer, April 12 at 1, Court of Bankruptcy, London.—*Robert F. Miller*, Hammersmith, Middlesex, coach builder, April 12 at 12, Court of Bankruptcy, London.—*H. Brown*, Old Fish-street-hill, London, importer of foreign glass, April 10 at 11, Court of Bankruptcy, London.—*Joseph Lomas*, Manchester, warehouseman, April 28 at 12, District Court of Bankruptcy, Manchester.—*James A. Howard and Jonathan Howard*, Hollingwood, Lancashire, joiners, April 12 at 12, District Court of Bankruptcy, Manchester.

*To be granted, unless an Appeal be duly entered.*

*John Sayer and Wm. Sayer*, High-street, Portland-town, St. Marylebone, Middlesex, oilmen.—*Robert Brennan*, Addele-street, Wood-street, London, warehouseman.—*John H. Gould and Frederick H. Gould*, Watling-street, London, wholesale lace warehousemen.—*Thos. B. B. Webb*, Brighton, Sussex, and Gloucester, draper.—*Augustus Rapp*, Cranbourne-street, Middlesex, watchmaker.—*John Davis and Solomon Davis*, East Smithfield, Middlesex, clothiers.—*Wm. Baker*, Surrey-lane, Battersea, Surrey, builder.—*Edward Rose*, Nottingham and Sneinton, Nottinghamshire, lace cap manufacturer.—*Thomas Minnitt*, Mansfield, Nottinghamshire, seed merchant.—*J. Camm*, Quorndon, Leicestershire, miller.

#### PETITIONS ANNULLED.

*John Single*, Bath-street, East India-road, Poplar, Middlesex, builder.—*James Fielding*, Glossop, Derbyshire, cotton spinner.

#### PARTNERSHIP DISSOLVED.

*Henry Taylor Roberts and George Newby Wardell*, St. Martin's-court, Leicester-square, Middlesex, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*James M'Dougall*, Glasgow, drysalter.—*Connal Macaulay*, Greenock, spirit dealer.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Moody*, Bristol, fishmonger, April 27 at half-past 10, County Court of Gloucestershire, at Bristol.—*M. Shelton*, Kirtou, Lincolnshire, out of business, April 6 at 10, County Court of Lincolnshire, at Boston.—*Wm. Goven*, Chelmsford, Essex, boot maker, April 6 at 12, County Court of Essex, at Chelmsford.—*Wm. Francis*, Inworth, Essex, out of business, April 18 at 11, County Court of Essex, at Maldon.—*Wm. Dawber*, Glentworth, Lincolnshire, carrier, April 10 at 12, County Court of Lincolnshire, at Gainsborough.—*Henry H. Saunders*, Flamstead, Hertfordshire, farmer, March 24 at half-past 10, County Court of Hertfordshire, at St. Alban's.—*James Quarterman*, Oxford, publican, April 7 at 11, County Court of Oxfordshire, at Oxford.—*Henry Stephens*, Newent, Gloucestershire, basket maker, April 6 at 11, County Court of Gloucestershire, at Newent.—*John Crowther*, Halifax, Yorkshire, corn miller, April 6 at 10, County Court of Yorkshire, at Huddersfield.—*John Payne*, Honiton, Devonshire, tailor, April 12 at 11, County Court of Somersetshire, at Crewkerne.—*Samuel Brittain*, Garndiffaith, Treveithin, Monmouthshire, retailer of beer, April 6 at 10, County Court of Monmouthshire, at Pontypool.—*Samuel Jones*, Garndiffaith, Treveithin, Monmouthshire, blacksmith, April 6 at 10, County Court of Monmouthshire, at Pontypool.—*Charles P. Sanders*, Oxford, fishmonger, April 7 at 11, County Court of Oxfordshire, at Oxford.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*April 5 at 10, before the CHIEF COMMISSIONER.*

*Charles Theodore Walker*, George-street, Woolwich-road, East Greenwich, Kent, bricklayer.

*April 5 at 10, before Mr. Commissioner MURPHY.*

*Chas. Benjamin Gall*, Labernham-terrace, Kingland-road, Middlesex, out of business.—*John Nunn*, Stanmore-street, St. Pancras, Middlesex, gas fitter.—*Philip Kirby*, Norland-road, Shepherd's-bush Market, Middlesex, plasterer.—*Peter Chas. Burrell*, Lawrence Pountney-lane, London, attorney-at-law.—*H. Crockett*, Satchwell-st., Bethnal-green-road, Middlesex, cigar-box maker.—*John Earle*, Barking, Essex, fisherman.

*April 6 at 11, before Mr. Commissioner PHILLIPS.*

*John Wm. Cressall*, Walsingham-place, Summer-street, Commercial-road, Peckham, Surrey, check taker at the Princess's Theatre, Oxford-street, Middlesex.—*Samuel Nichols*, Lillington-street, Pimlico, Middlesex, out of business.—*Job Coleman*, Union-street, Hackney-road, Middlesex, cowkeeper.—*Wm. Hayball*, Cavendish-grove, Wandsworth-road, Surrey, carpenter.—*T. Warsley*, Clifton-street, Finsbury-market, Middlesex, warehouseman.—*Charles A. Kelly*, Crawford-st., Coalharbour-lane, Camberwell, Surrey, secretary to a mining company.—*Wm. Sleeman Visick*, Burr-street, Lower East Smithfield, Middlesex, carman.

*Saturday, March 18.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Thomas King*, Ealing, Middlesex, gentleman, No. 17,641 T.; *Samuel Sturgis*, new assignee.—*Moritz Philippthal*, Kingston-upon-Hull, shipbroker, No. 75,772 C.; *Charles Wells*, assignee.—*George Brearley*, Thurlstone, near Penistone, Yorkshire, cloth manufacturer, No. 77,318 C.; *James Booth Woodhead*, assignee.—*T. Tate Smith*, New Malton, Yorkshire, grocer, No. 77,452 C.; *Henry Keywell*, assignee.—*Boaz Evans*, Caebadda Caeswynis, Brecknockshire, shepherd, No. 77,458 C.; *William Pugh*, assignee.—*J. Adamson*, Hulme, Manchester, accountant, No. 77,551 C.; *Emanuel Hird*, assignee.—*William Dickinson*, Pontefract, Yorkshire, joiner, No. 77,561 C.; *Richard Harrison*, assignee.—*Thomas Hitchmough*, Runcorn, Cheshire, coal merchant, No. 77,571 C.; *John Part*, assignee.—*Matthew Gassell*, Dewsbury, Yorkshire, out of business, No. 77,583 C.; *John Wilson*, assignee.—*H. Moulson*, Little Horton-lane, near Bradford, Yorkshire, stonemason, No. 77,641 C.; *John Barraclough*, assignee.

*Saturday, March 18.*

*Orders have been made, vesting in the Provisional Assignee (the Estates and Effects of the following Persons:—*

*(On their own Petitions).)*

*Samuel Arnold*, Bermondsey-street, Southwark, Surrey, baker: in the gaol of Surrey.—*John Hains*, Albany-road, Old Kent-road, Surrey, out of employ: in the Queen's Prison.—*B. Nathan*, Ratcliffe-highway, Middlesex, Italian warehouseman: in the Debtors Prison for London and Middlesex.—*William Thirkel*, Trafalgar-road East, Greenwich, Kent, milkman: in the Debtors Prison and London and Middlesex.—*H. Lack*, Queen-st., Pitfield-st., Hoxton, Middlesex, pig jobber: in the Debtors Prison for London and Middlesex.—*William Wright*, Frederick-street, Gray's-inn-road, Middlesex, working engraver: in the Debtors Prison for London and Middlesex.—*Henry Ashley*, Elizabeth-street, Eaton-square, Pimlico, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—*J. R. R. Richards*, Lewisham, Kent, schoolmaster: in the Debtors Prison for London and Middlesex.—*Joseph S. Christopher*, Arlington-square, New North-road, Islington, Middlesex, agent and patentee: in the Queen's Prison.—*George Morton*, New Oxford-street, Middlesex, coal merchant: in the Queen's Prison.—*Charles Longland*, Britannia-row, Hoxton, Middlesex, staymaker: in the Queen's Prison.—*John Moss*, Corrogated-row, Bermondsey, Surrey,

horse dealer: in the Gaol of Surrey.—*J. Bradbury*, Heaton Norris, Lancashire, hosier: in the Gaol of Lancaster.—*Wm. Lane*, West Coker, Somersetshire, carpenter: in the Gaol of Wilton.—*Wm. Gray*, Nailsea, Somersetshire, shopkeeper: in the Gaol of Wilton.—*William Selfe*, Warcham, Dorsetshire, watchmaker: in the Gaol of Dorchester.—*Daniel Blott*, Maidstone, Kent, in no business: in the Gaol of Dover.—*R. Banks*, Kingaton-upon-Hull, druggist: in the Gaol of Hull.—*J. Spooner* the younger, Earl Shilton, Leicestershire, saddler: in the Gaol of Leicester.—*Thomas P. Pino*, Seacombe, near Liverpool, master of a steam-tug: in the Gaol of Lancaster.—*Ann Booth*, Blackburn, Lancashire, shopkeeper: in the Gaol of Lancaster.—*Adam Scholes Leech*, Manchester, agent: in the Gaol of Lancaster.—*Joseph Davis*, Choriton-upon-Medlock, Manchester, out of business: in the Gaol of Lancaster.—*John Mitchell*, Dukinfield, Cheshire, stonemason: in the Gaol of Lancaster.—*Joseph Wm. Cave*, Horfield, near Bristol, Gloucestershire, plasterer: in the Gaol of Gloucester.—*John Handbury*, Manchester, potato dealer: in the Gaol of Lancaster.—*Robert Calshaw*, Preston, Lancashire, joiner: in the Gaol of Lancaster.—*James Ogden*, Ashton-under-Lyne, Lancashire, photographic artist: in the Gaol of Lancaster.—*R. N. Davis*, Manchester, silk manufacturer: in the Gaol of Lancaster.—*Isaac Calam*, Belby, near Howden, Yorkshire, out of business: in the Gaol of York.—*Charles Pickture*, Bristol, furniture broker: in the Gaol of Bristol.—*H. Petty*, Southampton, carpenter: in the Gaol of Southampton.—*Sarah Ferrer*, Birmingham, out of business: in the Gaol of Warwick.—*M. Hall*, North Shields, Northumberland, butcher: in the Gaol of Morpeth.—*James Topleys*, Ticknall, Derbyshire, accountant: in the Gaol of Derby.—*John Shaddock*, Redditch, Worcestershire, shoemaker: in the Gaol of Coventry.—*James Tams*, Birmingham, dealer in glass: in the Gaol of Coventry.—*Wm. John Scott*, Birmingham, attorney's clerk: in the Gaol of Coventry.—*Wm. Hackwood*, Shelton, Staffordshire, manufacturer of earthenware: in the Gaol of Coventry.—*Joseph Longbottom*, Leeds, Yorkshire, out of business: in the Gaol of York.—*James Crieford*, Westfield, Sussex, out of business: in the Gaol of Lewes.—*John Thomas Twells*, Exeter, Devonshire, hatter: in the Gaol of Exeter.—*James Howard*, Newport Pagnell, Buckinghamshire, out of business: in the Gaol of Aylesbury.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*April 4 at 10, before Mr. Commissioner MURPHY.*

*Charles John Turner*, Balaam-street, Plaistow, Essex, carpenter.

*April 5 at 10, before the CHIEF COMMISSIONER.*

*George T. Simpson*, Coburg-place, Rotherhithe, Surrey, surgeon.—*John Riaden*, John-street, Portland-town, Middlesex, coach builder.—*Benjamin Daniell*, Hope-cottage, Kentish-town, Middlesex, in no business.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Gloucestershire, at BRISTOL, April 5 at 11.*

*Charles Pickture*, Bristol, furniture broker.

*At the County Court of Essex, at CHELMSFORD, April 6 at 12.*

*Charles Sullings*, Chelmsford, turner.

*At the County Court of Yorkshire, at KINGSTON-UPON-HULL, April 7.*

*Thomas P. Cliff*, Kingston-upon-Hull, weigher at her Majesty's Custom-house.—*Robert Banks*, Kingston-upon-Hull, druggist.

*At the County Court of Herefordshire, at HEREFORD, April 13 at 10.*

*James Lloyd*, Grafton, innkeeper.

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# The Jurist

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APRIL 1, 1854.

PRICE 1s.

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LONDON, APRIL 1, 1854.

Among the interesting questions which are daily arising in our courts of law we may certainly rank those which relate to the measure of damages awarded to the successful party in an action. These questions do not rest, nor therefore can they be argued, upon arbitrary or technical grounds, but only upon considerations of natural justice between man and man. The problem to be solved is the exact apportionment of redress for a given injury—a problem that has engaged the attention of moral philosophers, as well as of legislators and judges. Nice discrimination, and a steady hand to hold the balance, are often required for the purpose of accurately determining the amount of compensation. Varying, and dependent on the policy, climate, or condition of a people, has been the principle of assessment: sometimes the *lex talionis* has prevailed, “an eye for an eye, a tooth for a tooth;” at other times a *were-gild*, or money commutation, even for the life of a man. In a more practical point of view, it is a matter of importance for those who have suffered wrong to know with what measure compensation will be meted out to them—whether justice will open her hand liberally, or like a niggard. There are some verdicts, like the

Highlander's horse, “hard to catch, and not worth the catching;” and it is well to avoid the perilous pursuit, which, if successful, can only lead to such a result.

An important judgment upon this branch of our law has lately been delivered in the Court of Exchequer\*, and a principle is there laid down which is capable of extensive application, and of settling many questions which hitherto have been left in uncertainty. The facts were briefly these:—The plaintiffs were the owners of a large flour-mill at Gloucester, which was worked by a steam-engine, the shaft of which having been broken, they, on the 14th May, 1852, delivered it to the defendants (more generally known by the name of Pickford & Co.) to take to Greenwich, where it was to serve as a model for the making of a new shaft. A delay of six days beyond the time that was reasonably required for the carriage of the broken shaft took place, and in consequence a corresponding delay took place in the completion and transmission of the new shaft. It appeared that the shaft was an essential part of the machinery, and that, until the new shaft was supplied, all the hands about the mill were unemployed, and all the profits derived from the working of the mill were lost. The learned judge who presided told the jury that the plaintiffs were entitled to recover for the damage which they had sustained by reason of the stoppage of the mill for six days, and the jury gave 25*l.* damages, in addition to 25*l.* paid into court. This ruling was held to be wrong, and a new trial was granted. The Court, in delivering their considered judgment, said that the true principle upon which damages should be assessed for a breach of contract is, that the damages should be

\* *Hadley and Others v. Baxendale and Others*, (Exch., Feb. 23, 1854). It will shortly appear in *The Jurist*, and will be published in the next part of the *Exchequer Reports*.





such as either *result naturally from the breach, or may reasonably be supposed to have been in the contemplation of the parties at the time of entering into the contract*. "If there were special circumstances, and they were communicated to the party who has broken the contract, then such special circumstances, being known, were in the contemplation of the parties, and may be taken into consideration in assessing the damages. . . . Suppose there had been another shaft at the mill, the delay would have had no effect on the profits; or if other machinery equally essential to its being worked had been out of order, the same result would have happened. . . . It is obvious, that in the generality of cases of a miller sending a broken shaft these consequences would not follow. Here the special circumstances were not communicated, and were entirely unknown to the defendants. We think," continued the Court, "that the judge ought to have told the jury that they ought not to take the loss of profits into consideration." In the course of the argument, Parke, B., referred, with approbation, to the rule of the French law, Code Civil, liv. 3, tit. 3, s. 1150—"Le débiteur n'est tenu que des dommages et intérêts, qui ont été prévu ou qu'on a pu prévoir lors du contrat, lorsque ce n'est point par son dol que l'obligation n'est point exécutée." The same doctrine prevails in the American law. Thus it is laid down in 2 Kent's Com. 480, note, (4th ed.)—"Damages for breaches of contract are only those which are incidental to and directly caused by the breach, and may reasonably be supposed to have entered into the contemplation of the parties, and not speculative profits, or accidental or consequential losses."

It was also said by the Court that actions for not making out a good title to land contracted to be sold, and actions on bills of exchange and for non-payment of a specific sum of money, did not afford an exception to the above rule, but rather fell within the second branch of it, as each party may be said to have contemplated, upon entering into the contract, that in case the contract should be broken, the damages should be in accordance with the *conventional* rule, which is well established, viz. in the first case, that the damages should be limited to the expense of investigating the title, and should not include the loss of the bargain; and in the second and third, only the precise sums agreed to be paid should be recovered.

The rule, as above laid down, doubtless tends to limit the liability of carriers and other contracting parties or bailees, in the absence of express notice, and shews the necessity of giving such notice, if the party who alone possesses the knowledge wishes to guard himself against loss. In numerous cases, as in the one under review, the loss of profit, the payment of wages to unemployed workmen, the liability on subsidiary contracts not performed because of the principal contract being broken, would form the only damage; and therefore, if these special circumstances be not communicated to the other party, the one who suffers the actual injury has no redress. The shaft may have been essential to the machinery, the machinery to the working of the mill, the working of the mill to the employment of the men, to the realisation of profits, and to the performance of

other contracts; yet, for want of disclosing these facts, the shaft becomes, in the eye of the law, so many hundredweight of old iron, the delivery whereof may be delayed without any injury or loss naturally resulting from it.

The adoption of such a principle cannot be said to be unreasonable. Here are two contracting parties—one possessing full knowledge, the other totally ignorant, of the *special* circumstances attending the contract, or, in other words, of the peculiar consequences that will accrue from a breach. If the former does not place the latter on an equal footing with himself in this respect, but induces him to undertake an extraordinary charge at the ordinary rates of risk, he has no right to complain if he is debarred from recovering the amount of his loss. He had the opportunity of stimulating the other party to the use of extra caution, and of making him responsible for all the injury accruing from neglect on his part. The other had a right to be forewarned, in order to be forearmed.

The principle thus clearly laid down will affect and practically overrule several previous decisions, in which the loss of profits, and damages which have been paid for non-performance of subsidiary contracts, have been allowed as damages for breach of the principal contract, although no notice has been brought home to the defaulting party; (see, for instance, *Walters v. Thomas*, 8 Exch. 401); but it will not probably touch the class of cases where the contract may be said, from its very character, to involve notice of the natural consequences to be apprehended from a breach. Thus, in an action for a breach of warranty of a chain cable, the plaintiff was held entitled to recover the value of the anchor to which the cable was attached, on proving, that a link of the cable being broken, the crew slipped the cable in order to avoid danger, and that the anchor and cable were thereby lost. (*Borradaile v. Brunton*, 8 Taunt. 535). So, the damages will probably still be affected by matter subsequent to the making of the contract; as if a man buy a horse with a warranty, and, relying thereon, resell him with a warranty, and being sued on the warranty by his vendee, he *offers* the defence to his vendor, who gives no directions as to the action, the first vendee, if he defend that action, is entitled to recover the costs thereof from his vendor as part of the damages occasioned by his breach of the warranty; (*Lewis v. Peake*, 7 Taunt. 163); unless he might have known, by a reasonable examination of the horse before he defended the action, that the animal was unsound at the time he resold it. (Per Cur., *Wright v. Chamberlain*, 7 Scott, 598, 602). It would seem that the special damage should henceforth be stated in the declaration, so as to bring it within the rule laid down in the principal case.

It must not be overlooked, that although this rule applies generally to all cases of breach of contract, yet it is not applicable where fraud has been committed, ("par son dol que l'obligation n'est point exécutée"), nor where the defendant is a mere wrongdoer, as in actions of tort.

### Rebistis.

*The Judgment of the Court of Queen's Bench upon the Application of Mr. W. H. Barber for his Attorney's Certificate; with new Evidence and Remarks.*

[Crockford, 1854.]

There may be some among our readers who tire of the constantly reiterated appeal for justice, who cast aside the book that contains the oft-told tale of wrongs endured and rights denied, and who class Mr. Barber, the Baron de Bode, and the Rajah of Sattara among the individuals destined to vex the human race with their complaints. We are not among the number who thus regard these appellants to the high court of public opinion.

Admitting that it is tedious to dwell for a long period upon any one subject; that it is difficult to preserve a sustained interest through more than five acts, or eight volumes of the same work; and not forgetting that even the contemplation of consistent virtue becomes wearisome, so that men were tired of hearing Aristides called "The Just;" yet, while the wrong remains, we would not hush the voice of that man who cries aloud to his fellow-men for redress; we would not refuse to listen to him, or to call the attention of others to his sorrowful narrative. Let us remember that by adopting a different course we promise impunity to those who persevere in injustice, for they will feel, that by deferring the remedy, the public will cease to care for its application. But while the injured man is supported by the sympathy of his fellow-citizens, he has cause to utter the fulness of his heart, and success often crowns his long-continued efforts. The importunate widow moved the judge, who feared not God nor regarded man, until he said, "Because this widow troubleth me I will avenge her, lest by her continual coming she weary me."

These introductory remarks will justify us, we hope, in calling the attention of our readers to the small volume just issued from the press, which throws additional light upon a case which is undoubtedly one of the most remarkable in professional history.

Since the delivery of the judgment in the Court of Queen's Bench, Mr. Barber, it appears, has devoted himself to obtaining information by which to elucidate the points relied upon by the Court, and his labours have not been in vain.

The explanation which he is now enabled to afford, presented in the form of a sectional analysis of the judgment, can scarcely fail to satisfy impartial minds. The particulars of the concoction by Fletcher and his confederates of these remarkable frauds, as well those introduced to Messrs. Barber & Bircham's office as those previously effected through the instrumentality of other solicitors, have been traced, and it is now shown that in numerous instances Fletcher had succeeded in imposing, not only upon his own solicitors, but also upon those retained by the Government to protect this description of property; and in one case, even though their suspicions had at first been actually aroused, Fletcher ultimately palmed off his fraud upon them, realising for himself and accomplice, who personated a "Miss Mary Hunt," upwards of 4000*l*. No imputation has ever been cast upon either of the professional gentlemen employed in that transaction.

The details which the volume presents are both interesting and curious. Amongst the recently-discovered evidence is a narrative of the Slack fraud, written by Fletcher's principal accomplice, Sanders, which shews that the most elaborate contrivances were resorted to in order to guard against suspicion from Mr. Barber. In reference to the forgery of the will, Sanders says, "In consequence of that letter," (a letter he had addressed to Mr. Barber in the name of J. James),

"Fletcher would not allow me to write the new fictitious will, fearing that Barber would discover a similarity in the writing." This revelation also throws light upon "the death at Bath," and other points dwelt upon by the Court. Fletcher's secret machinery is made known, and the extraordinary precautions adopted by him, especially in interweaving fraudulent with bona fide cases, not distinguishable by any facts within Mr. Barber's knowledge, were well calculated to disarm suspicion. Fletcher not only imposed upon the solicitors, proctors, and brokers whom he from time to time employed, but also upon those whose express duty it was to sift and scrutinise fraud in these matters, and whose minds, therefore, would constantly be in an attitude of vigilance.

Upon the argument in the Queen's Bench, and throughout the discussion of the case, Mr. Barber has sustained much prejudice from the idea that it was the duty of the Bank to keep the amount of unclaimed stock and dividends a secret, and that he must therefore necessarily have known that Fletcher obtained the information on which he proceeded surreptitiously. This is, however, a misconception, for by the 56 Geo. 3, c. 60, s. 1, it is enacted, that (in addition to the other particulars) "the amount transferred shall be entered upon a list to be kept at the Bank for that purpose, which list shall be open for inspection at the usual hours of transfer at the Bank." Mr. Barber, therefore, might reasonably believe that Fletcher obtained his information legitimately, through his stockbroker, as he had represented.

The explanations are fortified by clear evidence, and we cannot but concur in the hope expressed, we believe unanimously, by our contemporaries, that Mr. Barber may speedily be restored to those professional rights from the enjoyment of which his singular misfortunes have so long debarred him.

*A Treatise on the Law and Practice relating to Letters-patent for Inventions.* By JOHN PAXTON NORMAN, Esq., M.A. Post 8vo., pp. 276. [Butterworths.]

THIS is a very compact and useful manual. The most difficult part of the text-writer's task is the statement of the principle by which the question of the amount of novelty in an invention, necessary to sustain a patent for it, is answered. Many of the cases are, no doubt, unsatisfactory, and some of those which are still allowed to be cited would probably be differently decided at the present day. But the subject is very capable of a scientific exposition, though it has not yet received it from the pen of any writer, either here or in the United States. It must be confessed that our treatises on patent law furnish an exception to the general excellence of our legal text-books. Mr. Norman has not in this particular improved upon his predecessors; but he has not fallen behind them; and as he has very diligently collected, clearly arranged, and concisely stated the substance of all the authorities, he has furnished to the reader the means of readily ascertaining for himself the state of the law, and of correcting or supplying the deficiencies of the author's general deductions. For example, at p. 14, Mr. Norman says, "When a material is once known, it may be applied in any manner"—implying that the application of a known material to any known purpose is not a good subject for a patent. This, of course, is too wide, but it is corrected by the statement of instances which follows:—"Therefore tubes coated with brass being known, and tubes welded by a mandrel and die being known, a patent for their use as the tubular flues of a boiler is not good. (*Reg. v. Bulter*, 3 Car. & K. 215). The application of bone hafts and latten plates for the handles of knives has been held not to be a good subject-matter of a patent. (*Mattley's Patent*, Noy, 178).

'But when the application involves a new discovery of a property in the thing applied, or a new result is obtained, a patent may be good. Thus, though the adoption of caoutchouc as a fillet for cards was a very simple matter, yet, as it was a substance whose properties and fitness for that purpose had never been known before, the adaptation was held to be a good subject-matter of a patent.' If Mr. Norman had assumed to criticise as well as state the authorities, he might have suggested that the dictum in *Reg. v. Butler* (for the specification was defective on other grounds) and the decision in *Mattley's case* were erroneous; and that the application of any substance to a purpose to which it has never been applied before, though the use of other substances in the same manner, for the same purpose, is known, may be protected by letters-patent, even though the result be in noways different from that already obtained by the use of other materials. The Statute of Monopolies speaks of "new manufactures," not improvements; and though, in applying the statute, the Courts have held that the new manufacture sought to be protected must be useful *per se*, they have not required that it should be more useful than any known manufacture of the same kind.

Mr. Norman has fully stated the practice and forms under the late act, and the regulations of the Commissioners of Patents. With reference to the "provisional specification," after giving a summary of the existing regulations, he says, (p. 54):—

"The provisional specification will be a check on the patentee. If the complete specification is not strictly in accordance with it, people will be entitled to say that something is specified which would have been opposed, but which could not be opposed because the provisional specification gave no notice of what was intended to be specified. That information, if given to the Attorney-General, might have induced him to withhold the patent." We apprehend that there is a better ground for holding that a discrepancy between the provisional and final specifications is fatal, namely, that if the provisional specification describes too much, it is a fraud on the Crown; and if it does not include all that the complete specification claims, the latter is bad, as claiming more than was granted by the letters-patent. Mr. Norman proceeds:—"If an inventor desires to abandon anything contained in his provisional specification, in order to guard against the objection that he represented himself to have invented more than he has actually specified, he should enter a disclaimer with the specification."

"If the first outline description would not be sufficient to embrace all the improvements in the invention, or in the mode of working it out, the proper course would seem to be to abandon the proceedings taken on the first provisional specification, and commence afresh with a new application, before the invention comprised in the first provisional specification is made public."

The first suggestion would be very judicious if it were certain that there is any power to disclaim part of a provisional specification after its allowance by the law officers; and the second would be right if the publication of the first abandoned provisional specification did not operate, like any other publication, to defeat the protection sought under the new proceedings for so much of the invention as had been so published. We need not enlarge on this subject, as it is fully treated in the communication which follows this notice.

#### ON THE PROVISIONAL SPECIFICATION OF INVENTIONS.

THE nature, office, and effect of the provisional specification of an invention under the Patent-law

Amendment Act, 1852, do not appear to be very generally understood in practice, if we may draw any inference from the inaccuracy with which the document is frequently drawn, the frequent discrepancy between the provisional and the final specification of a patented invention, and the confidence with which the proceedings upon a provisional specification are sometimes abandoned, for the purpose of making a fresh application for letters-patent upon an amended specification of what is substantially the same invention.

The 6th section of the act requires, that with every petition for the grant of letters-patent for an invention shall be left a statement in writing, called the provisional specification, "*describing the nature of the invention.*"

Every application for letters-patent is to be referred to one of the law officers, (sect. 7), and to him also is to be referred the provisional specification; and if he is satisfied that the provisional specification describes the nature of the invention, he is to allow it, and give a certificate of his allowance, to be filed in the office of the commissioners; "and thereupon the invention therein referred to may, during the term of six months from the date of the application for letters-patent for the said invention, be used and published without prejudice to any letters-patent to be granted *for the same.*" This is called provisional protection. In case the title of the invention, or the provisional specification, be too large, or insufficient, the law officer may allow or require the same to be amended. (Sect. 8).

In lieu of leaving a provisional specification, the applicant may file with his petition and declaration a complete specification under hand and seal, "*particularly describing and ascertaining the nature of the said invention, and in what manner the same is to be performed;*" and the day of the delivery of such petition, declaration, and complete specification is to be recorded at the office of the commissioners, and indorsed on them, and a certificate thereof given to him; "and thereupon, subject and without prejudice to the provisions hereinafter contained, the invention shall be protected under this act for the term of six months from the date of the application;" and the validity of the letters-patent is to be made conditional on the sufficiency of such previously filed complete specification. (Sect. 9).

Sect. 16 authorises the Crown, by warrant under the sign-manual, to direct any complete specification which may have been filed, and on which no letters-patent may have been granted, to be cancelled, "and thereupon the protection obtained by the filing of such complete specification shall cease."

We cite this enactment merely for the purpose of shewing more clearly than would otherwise appear the difference between provisional protection and the absolute protection gained by filing a complete specification in the first instance—a course which in many cases will be found to be the most prudent and the least expensive.

Sects. 15 and 18 authorise the preparing and sealing of letters-patent for "the said invention."

Sect. 20 provides that (subject to certain exceptions) no letters-patent shall issue, "*or be of any force or effect,*" unless the same be granted during the continuance of the provisional protection, or the protection by reason of the deposit of a complete specification.

The letters-patent may be dated as of the day of the application for the same, (sect. 23); but if a complete specification of the invention was not deposited on the application, no proceeding at law or in equity shall be had on the letters-patent in respect of any infringement committed before the same were actually granted. (Sect. 24).

Sect. 39 enacts, that all the provisions of the acts of the 5 & 6 Will. 4, c. 83, and 7 & 8 Vict. c. 69, relating to disclaimer, and memoranda of alterations in letters-

patent and specifications, except as hereinafter provided, shall apply to any letters-patent granted and to any specification filed under the act. This does not seem to extend to provisional specifications, which are not required to be filed. If that be so, no disclaimer or amendment can be made in respect of a provisional specification after its allowance by the law officer.

The form of the provisional specification given in the schedule to the act is as follows:—

"I, —, do hereby declare the nature of the said invention [title as in petition] to be as follows:— [Here insert the description.] Dated this — day of —, A. D. —,"

The 3rd section of the act authorises "the commissioners from time to time to make such rules and regulations (not inconsistent with the provisions of this act) respecting the business of their office, and all matters and things which, under the provisions herein contained, are to be under their control and direction, as may appear to them necessary and expedient for the purposes of this act." The tenth of the second set of rules issued by the commissioners (15th October, 1852) requires that the provisional specification must state distinctly and intelligibly the whole nature of the invention, so that the law officer may be apprised of the improvement, and of the means by which it is to be carried into effect. This rule is not very definite, but if it means more than describing the nature of the invention it is a nullity, for the substance of the provisional specification is not placed under the control and direction of the commissioners.

The most important questions with respect to the provisional specification are, first, whether anything can be claimed by the subsequent or final specification which is not fairly covered by the terms of the provisional specification; and, secondly, whether the complete specification may omit anything which is clearly claimed by the provisional specification.

First, generality or looseness in the terms of provisional specifications seems to be immaterial—as it is in the title of the patent, (see *Cook v. Pearce*, 8 Q. B. 1044)—if the specification is allowed by the law officer. But if the provisional specification assumes to enter into particulars, or to describe the mode of carrying the invention into effect, without containing sufficient general words to cover other particulars not specified, it seems that such other particulars cannot be afterwards specified and claimed without defeating the letters-patent. And as the provisional specification can only be amended by permission of the law officer "to whom the same is referred," no amendment can be made after the certificate of allowance is granted, when the law officer becomes functus officio.

The letters-patent are to issue for "the said invention"—i. e. the invention described in the provisional specification; and letters-patent not granted during the continuance of the provisional protection are to be of no force. It is therefore clear that the provisional specification (although it is not referred to in the letters-patent) must always be looked to, to ascertain what is the invention to which the patent relates; and as nothing could formerly be claimed which was not covered by the title of the patent, so now nothing can be claimed which is not covered by the provisional specification. The most accurate notion of the nature and effect of the provisional specification will be gained by regarding it as the title of the patent—required, indeed, to enter more into detail than was necessary under the old law, but otherwise having the same operation in defining and limiting the subject-matter of claim in the specification. It is to describe the nature of the invention—that was the office of the title of the patent—but it is to describe it to the satisfaction of the law officer; and if it is allowed by him, no objection can be taken to it on the ground of its being too large or vague.

The result is, that the provisional specification should be made as large and general as the law officer will permit it to be made, avoiding details and particulars as far as possible; or if it be found necessary or advisable to enter into particulars, the implied exclusion of other particulars should be prevented by the use of proper saving and general words.

Secondly, the terms of the provisional specification must not describe anything which the inventor is not able to include in his final specification. For though it is not necessary to discriminate in the provisional specification between the new and the old parts of the subject-matter, it must not state any result as attained or attainable by the inventor which the inventor cannot carry out and claim. The provisional specification, like the title, is a statement of the nature of the invention; and the Courts have held, with a rigour that is perhaps too indiscriminating, that a patent is bad if the specification fails to describe everything that is necessarily implied in the title—because the title is the statement to the Crown of the applicant's merits; and if the statement is excessive, the grant is bad, as founded on a deceitful representation. (*Res v. Wheeler*, 2 B. & Al. 345; *Blissam v. Elsee*, 6 B. & Cr. 169; *Cook v. Pearce*, 8 Q. B. 1044). Thus, in *Felton v. Graves* (3 Car. & P. 611) it was held, that a patent for "a machine for an expeditious and correct mode of giving a fine edge to knives, razors, scissors, and other cutting instruments," was void because no machine capable of sharpening scissors was described in the specification. So, in *Turner v. Winter*, (1 T. R. 602), a patent for producing a yellow colour for printing, for making whitelead, and for separating the mineral alkali from common salt, all in one process, was held bad because the white substance produced by the specified process was not whitelead. The principle of these decisions is obviously as applicable to excess in the provisional specification as to excess in the title. By claiming too much when he is applying for the patent the inventor deceives the Crown—by claiming too much in his final specification he misleads the public.

If we are right in our conclusion, that the provisional specification cannot be amended, by disclaimer or otherwise, after it has been allowed by the law officer, it seems that there is no remedy after allowance for an excess of statement or claim in the provisional specification; for the only disclaimer that can then be made is a disclaimer of part of the title or of part of the specification. It is possible, however, that a struggle may be made to remedy this great hardship, by allowing an alteration of the title of the patent, so framed as to exclude by express terms the matter wrongly claimed in the provisional specification. Such an alteration, as it would not extend the exclusive right granted by the letters-patent, would be within Lord Brougham's Act, and, being allowed by the law officer, might, upon a liberal construction, be held to operate on the provisional specification so as to exclude the objection.

If the provisional specification is defective, by not including enough, the defect must be cured by taking out a new patent for the omitted matter, in which it will generally be prudent to refer to the former patent, and expressly to exclude everything that is included in that. But it will be necessary also to prosecute the proceedings on the first provisional specification, because, by the abandonment of those proceedings, the invention described in and published by that specification will have been thrown open to the world. The public, looking at the first specification only, and finding that the proceedings upon it have been abandoned, would be entitled to conclude that the invention described in it had been also abandoned.

From all this, it appears that the framing of the pro-

visional specification is a task of extreme difficulty and danger, and the correction of mistakes in it is no less so. The proper remedy seems to be, to allow a patentee to refer his final specification to the law officer, with authority to that officer to direct any alteration which he may think necessary to be made in the title of the invention, and to enact that no letters-patent for an invention, of which the complete specification shall have been allowed by the law officer, (with or without any amendment of the title of the invention), shall be impeached on the ground of any excess or defect of description, statement, or claim in the provisional specification.

G. S.

### PROSPECTUS OF THE LECTURES

*To be delivered during the ensuing Educational Term by the several Readers appointed by the Inns of Court.*

#### CONSTITUTIONAL LAW AND LEGAL HISTORY.

The Public Lectures to be delivered by the Reader on Constitutional Law and Legal History will comprise the following subjects:—

Rise and Progress of Written Law—Character of the Early Writers on English Law—Glanville and Bracton—Progress of Law during the Reign of Henry II—Causes of Magna Charta—Motives of the Tumults and Disturbances which took place during the Reigns of Henry II, John, and Henry III—Value of Matthew Paris—Contrast between French and English History; between the Resistance of the French and English Vassal—Rights of the People and of Foreign Merchants incorporated with Magna Charta—Lord Coke's Commentary upon "Omnis Liber Homo"—Gradual Progress of the English Constitution—Character of the Times of Charles I and Charles II.

In his Private Lectures the Reader will pursue the History of England from the Time of Charles I to the Revolution. He will endeavour to illustrate the subject by reference to the Law of other Countries, and the Writers on the Law of Nations.

*Books:*—Millar's Const. Hist.—Creasy on the English Constitution—Sullivan's Lectures—Brodie's Const. Hist.—Hallam's Const. Hist., and chapter in Middle Ages—State Trials—Statute Book—Parliamentary History—Rapin—May—Clarendon.

The Reader on Constitutional Law and Legal History will deliver his Public Lectures at Lincoln's Inn Hall on Wednesday in each week, (the first Lecture to be delivered on the 19th April), commencing at two p.m. The Reader will receive his Private Classes on Tuesday, Thursday, and Saturday mornings, from half-past nine to half-past eleven o'clock, in the Benchers' Reading Room at Lincoln's Inn Hall.

#### EQUITY.

The Reader on Equity proposes to deliver a course of Twelve Lectures on the Jurisdiction exercised by the Court of Chancery, in consequence of the Rules of Procedure adopted by the Courts of Common Law not permitting them to administer Justice efficiently in certain cases; on the Advantages and Disadvantages attending the Systems of Procedure in Common Law and Equity; on the Proposal to amalgamate the Equitable with the Legal Jurisdiction; and on the present Course of Practice in the Court of Chancery.

In addition to the Public Lectures, it is proposed that two Classes shall be formed, as during the preceding Terms, for the study of the Principles and Practice adopted by Courts of Equity, each Class to meet for one hour three times a week.

The Junior Class will read Smith's Manual of Equity Jurisprudence, commencing with the chapter on Mortgages, Pledges, and Liens; and portions of Spence on

the Equitable Jurisdiction of the Court of Chancery, vol. 1.

The Senior Class will read Story's Commentaries on Equity Jurisprudence, vol. 2, commencing with the chapter on Election and Satisfaction; White & Tudor's Leading Cases, vol. 2, commencing with *Stapilton v. Stapilton*; and Mitford's Pleadings in Chancery, commencing with the chapter on Pleas. Each student will be expected, in the intervals between the meetings of the Class, to peruse portions of these and other works pointed out by the Reader, and to be prepared, at the ensuing meeting of the Class, to answer and discuss questions arising out of the subjects of their reading.

The Reader on Equity will deliver his Public Lectures at Lincoln's Inn Hall on Thursday in each week during the Educational Term, commencing at two o'clock p.m., (the first Lecture to be delivered on the 20th April). The Reader will receive his Private Classes on Monday, Wednesday, and Friday evenings, from seven to nine o'clock, in the Benchers' Reading Room at Lincoln's Inn Hall.

#### LAW OF REAL PROPERTY, &c.

The Reader on the Law of Real Property, &c. proposes to deliver, in the ensuing Educational Term, a course of Twelve Public Lectures on the following subjects:—

I. The General Rules of Construction applicable to Deeds and Wills, with reference to—Mistake; False Demonstratio non Nocet; Verbal Alterations and Transpositions; Admission of Extrinsic Evidence.

II. Voluntary Settlements—13 Eliz. c. 5; 27 Eliz. c. 4.

III. The Creation and Delegation of Powers of Sale given to Fiduciary Vendors.

IV. The Liability of Purchasers to see to the Application of their Purchase Money.

V. The Law of Judgments, so far as they affect Real Estate—1 & 2 Vict. c. 110; 2 & 3 Vict. c. 11.

VI. The Law of Covenants, with reference to the Law of Vendor and Purchaser.

The Lectures to be delivered to the Private Classes will comprise the following subjects:—With the Senior Class, the text of Sugden on Powers, commencing at vol. 1, p. 439, will form the basis of the Lectures; and the latest decisions, illustrating the principles there laid down, will be examined and commented upon. With the Junior Class, the subject of the Lectures will be the Real Property Statutes, and the Rule in *Shelly's Case*.

The Public Lectures will be delivered at Gray's Inn Hall on Friday in each week, at two p.m., (the first Lecture to be delivered on the 21st April). The Private Classes will be held in the North Library of Gray's Inn on Monday, Wednesday, and Friday mornings, from a quarter to twelve to a quarter to two o'clock.

#### JURISPRUDENCE AND THE CIVIL LAW.

The Reader on Jurisprudence and the Civil Law will, in the course of the ensuing Educational Term, deliver Twelve Public Lectures on the following subjects:—

I. On Obligation and Contract—On the Nature of Obligations, and their place in General Jurisprudence—On the Roman Theory of Obligation, and the mode in which it has been interpreted by Pothier and others—On the Necessary Elements of Contract, and on the manner in which they are discriminated by the Roman Jurists and by English Law—On Pollicitations, Conventions, and Pacts, and on some disputed Questions connected with the Pactum Nudum—On the Classification of Contracts—On some particular Forms of Contract, and more especially on the Contract of Sale.

II. On Prescriptions—On Usucapion, and on some Peculiarities in the Ancient Views of Proprietary Right

—On the Connexion between Possession and Prescription, and Savigny's Theory of Possession—On the Nature and Criteria of a True Prescription, and on the Extent to which Prescriptions are admitted in English and Roman Jurisprudence, and in certain Continental Systems of Law.

III. On Testamentary Jurisprudence—On some current Theories respecting the Origin of the Testamentary Power—On Universal Successions; on the manner in which the Conception of a Universal Succession appears to have been originally formed, and on its importance as a Key to Testamentary Jurisprudence—On the Principal Rules of the Roman Law of Testaments, and on the Modifications and Distortions which those Rules have undergone in Modern Law—On the Jus Accrescendi; its Ancient and Modern History—On Substitutions, and their Connexion with Entails—On Legacies and Fidei-commissa.

IV. On the Doctrines of Roman Law regarding Conditions, Good Faith, Negligence, and Fraud.

With his Private Classes, the Reader proposes to read the *Institutiones Juris Romani Privati* of Warnkönig, and afterwards the Commentaries of the same writer, or some other Compendium of Pandect Law.

The following works will also be incidentally referred to at the Public or Private Lectures, and portions of them recommended for perusal:—Dumont's *Bentham*—Austin's *Province of Jurisprudence Determined*—The *Esprit des Lois*—The *Droit Civil* of Toullier—The *Doctrina Juris Philosophica* of Warnkönig—The *Histoire du Droit* of Lerminier—The *Innere Geschichte des Römischen Rechts*, and the *Aeusere Geschichte des R. R.* of Tigerström—The *Explication Historique des Instituts* of Ortolan—Wheaton's *Elements of International Law*—The *Droit International Privé* of Fœlix—and Story's *Conflict of Laws*.

The Public Lectures will be delivered in the Hall of the Middle Temple on Tuesday in each week, at two p. m., (the first Lecture of the course on Tuesday, the 25th April).

The Private Classes will assemble at the Class-room in Garden-court on Monday, Wednesday, and Friday mornings, at half-past nine o'clock.

#### COMMON LAW.

The Reader on Common Law proposes to deliver, during the Educational Term, commencing on the 15th April, 1854, Twelve Public Lectures, the subjects to be treated of in which will be as under:—

#### ON MERCANTILE LAW.

Lecture I.—Inquiry as to the Origin and Progress of Mercantile Law in this Country; Specification of the principal Matters to which it applies itself.

Lecture II.—The Statute of Frauds; considered in relation to its Effect upon Mercantile Transactions.

Lectures III and IV.—Of Negotiable Instruments; their peculiar Nature and Attributes.

Lecture V.—On the Admissibility of Evidence of Custom or Usage to explain Written Instruments.

Lecture VI.—Of the True Measure of Damages in Actions founded upon Contract.

#### ON CRIMINAL LAW.

Lecture I.—Inquiry respecting the Elementary Principles of Criminal Jurisprudence, and the Object proposed in the Punishment of Crime.

Lecture II.—Of Indictable Offences generally; Distinction between Wrongs Indictable and Actionable; of Offences punishable on Summary Conviction.

Lectures III and IV.—Of some of the more common Offences against the Person and Property.

Lecture V.—Examination of the Rules of Evidence ordinarily applicable in Criminal Cases.

Lecture VI.—On the Writ of Habeas Corpus.

With his Private Class the Reader on Common Law will traverse the ground indicated in the above Prospectus, calling attention more especially to such matters, falling within the scope of his inquiries, as are of real practical importance. The books to be used with the Private Class will be—Smith's *Mercantile Law*, 4th ed.; Story on *Agency*, 4th ed.; Byles on *Bills*; Sedgwick on the *Measure of Damages*; Archbold's *Criminal Pleading*, ed. by Welsby; Lord Campbell's *Acts*, ed. by Greaves; and Blackstone's *Commentaries*, vol. 4.

The Public Lectures on Common Law during the ensuing Term will be delivered, and the Private Classes will meet, in the Hall of the Inner Temple, as under:—

The Public Lecture on Monday in each week at two p. m.; the first Lecture to be delivered on Monday, the 24th April.

The Private Class on Tuesday, Thursday, and Saturday mornings, from a quarter to twelve to a quarter to two o'clock.

By Order of the Council,

(Signed) EDWARD RYAN,  
Chairman (pro tem.)

Council Chamber, Lincoln's Inn,  
March 23, 1854.

*Note.*—The Educational Term commences on the 15th April, and ends on the 30th July, 1854.

The several Readers will receive their respective Classes on the appointed days, commencing Wednesday, the 19th April.

The Lectures and Classes will be suspended after Thursday, the 11th May, to be resumed on and after Monday, the 29th May.

### COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.

The Lord Chancellor, under the powers of the 16 & 17 Vict. c. 78, intituled "An Act relating to the Appointment of Persons to administer Oaths in Chancery, and to Affidavits made for Purposes connected with Registration," has appointed the following gentlemen to be Commissioners for administering Oaths in Chancery:—

#### To be London Commissioners.

Francis George Abbott, 22, Southampton-buildings.  
John Bennett, 35, Ludgate-hill, City.  
Henry Hall, 16, New Bowwell-court, St. Clement Dances.  
Frederick Solly Gosling, 1, Gray's-inn-square.  
Samuel Shaen, Kennington-cross, Surrey.  
Thomas Gregory, 12, Clement's-inn.  
Joshua Jullian Allen, 20, Bedford-row.  
William Galsworthy, 2, Charlotte-row, Mansion-house, City.

#### To be Commissioners in England.

Robert Benjamin Wheatly, Staines, Middlesex.  
Samuel Harley Kough, Shrewsbury, Shropshire.  
Edward Wade M'Clure, Nantwich, Cheshire.  
John Ryalls, Sheffield, Yorkshire.  
Robert Withington Simonds, Winchester.  
Isaac Palmer Baker, Ipswich, Suffolk.  
Edward Jago, Plymouth, Devonshire.  
Thomas Robinson, Eccleshall, Staffordshire.  
James Warder, Bournemouth, Dorsetshire.  
Edward Brown Fiske, Beccles, Suffolk.

## London Gazettes.

FRIDAY, MARCH 24.

## BANKRUPTCY.

**PETER LEICESTER**, Birchin-lane, Cornhill, London, iron merchant and bill and metal broker, dealer and chapman, April 4 at half-past 2, and May 2 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Brewer, 3, Philpot-lane, Fenchurch-st., London.—Petition filed March 17.

**SILVIA STERNE**, Great St. Helen's Chambers, Great St. Helen's, London, merchant, dealer and chapman, April 5 at 2, and May 2 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Norton & Son, New-st., Bishopsgate.—Petition filed March 21.

**ROBERT BROWN and JOHN BURNHAM**, Potton, Bedfordshire, common brewers, March 29 and May 13 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Smith & Argles, Potton, Bedfordshire; Rhodes & Co., 63, Chancery-lane.—Petition filed March 13.

**WILLIAM LIVESEY**, St. Alban's-terrace, Vauxhall-bridge-road, Middlesex, smith, bell-hanger, and gas-fitter, dealer and chapman, April 5 and May 13 at 2, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Chidley, Gresham-st., London.—Petition dated March 24.

**JAMES ROGERS**, Orchard-street, Harrow-road, Paddington, Middlesex, mason and builder, March 31 at 11, and May 5 at half-past 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Dawson & Bryan, 33, Bedford-square.—Petition filed March 18.

**FRANCIS QUICK**, Bristol, jeweller and silversmith, dealer and chapman, April 7 and May 5 at half-past 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Bevan & Girling, Bristol; Taylor & Collinson, 28, Great James-street, Bedford-row.—Petition filed March 14.

**WILLIAM SHUTTLEWORTH**, Stratford-upon-Avon, Warwickshire, out of business, (late of the same place, licensed victualler and innkeeper; and formerly of the same place, grocer, tea dealer, hop dealer, and dealer in provisions, dealer and chapman), April 5 and May 3 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Lane, jun., Stratford-upon-Avon; Hodgson, Birmingham.—Petition filed March 24.

**WILLIAM MORRIS**, Ludlow, Shropshire, innkeeper, dealer and chapman, April 3 and May 1 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Backhouse, Bridgenorth; Hodgson, Birmingham.—Petition dated March 18.

**JOHN SAGAR**, Birkenhead, Cheshire, brewer, dealer and chapman, April 6 and May 5 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Fletcher & Hull, Liverpool.—Petition filed March 20.

**ROBERT ISHERWOOD and STRETHILL FODEN**, Liverpool, wool and cotton dealers, April 6 and May 5 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sol. Booker, Liverpool.—Petition filed March 15.

**WILLIAM BILLINGE**, Rainhill, Prescot, Lancashire, stonemason and builder, dealer and chapman, April 4 and 25 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Evans & Son, Liverpool.—Petition filed March 21.

**HENRY HUSBANDS KING**, Bristol, bookseller and stationer, dealer and chapman, April 4 and May 2 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Brittan, Bristol.—Petition filed March 20.

## MEETINGS.

*Samuel Barrow*, Stockport, Cheshire, corn dealer, April 6 at 12, District Court of Bankruptcy, Manchester, ch. ass.—*James Stephenson*, Arbour-terrace, Commercial-road, Middlesex, draper, April 20 at 11, Court of Bankruptcy, London, last ex.—*Francis Salter*, York-place and Tredegar-sq., Mile-end, Middlesex, doctor of medicine, April 5 at 12, Court of Bankruptcy, London, last ex.—*John Perrett and C. Garton*, Bristol, maltsters, April 4 at 11, District Court of Bankruptcy, Bristol, pr. d.—*Edward Cox*, Great Queen-street, Lincoln's-inn-fields, Middlesex, plane manufacturer, April 4 at 11, Court of Bankruptcy, London, aud. ac.—*Thomas Ballinger*, Birmingham, confectioner, April 26 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; April 27 at 12, div.—

*George W. Walter and Wm. H. Walker*, Silverdale, Keele, Staffordshire, silk throwsters, April 25 at 12, District Court of Bankruptcy, Birmingham, aud. ac. and div.—*J. James*, Netherton, Worcestershire, tailor, April 5 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*G. G. Charles*, Liverpool, importer of French goods, April 6 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Wm. Roberts*, Burnham, Buckinghamshire, apothecary, April 15 at half-past 12, Court of Bankruptcy, London, div.—*Thomas Shenton*, Bethnal-green-road, Middlesex, grocer, April 20 at 11, Court of Bankruptcy, London, div.—*Wm. Hutchison*, Riches-court, Lime-street, London, ship broker, April 20 at half-past 11, Court of Bankruptcy, London, div.—*Joseph Robinson Pim*, Birkenhead, Cheshire, brickmaker, April 13 at 11, District Court of Bankruptcy, Liverpool, div.—*Edmund English and Edmund Francis English*, Bath, auctioneers, April 20 at 11, District Court of Bankruptcy, Bristol, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Thomas Ballinger*, Birmingham, confectioner, April 22 at 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*Richard Anderson*, Wright's-lane, Kensington, Middlesex, licensed victualler.—*Wm. Mundy*, Palace-row, New-road, St. Pancras, Middlesex, cowkeeper.—*John Rothwell*, Southport, Lancashire, grocer.

## PETITION ANNULLED.

*Henry Bladon and Henry Coates*, Manchester, stuff merchants.

## SCOTCH SEQUESTRATIONS.

*Thomas Braid*, Glasgow, builder.—*Andrew Oliver & Co.*, Glasgow, merchants.—*Robert Patterson and John Neilson*, Linwood, near Paisley, calico printers.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Charles Jennings*, Stapleton, Gloucestershire, licensed victualler, March 29 at 11, County Court of Gloucestershire, at Bristol.—*Lawrence Byre*, Bangharst, Hampshire, clerk, April 11 at 10, County Court of Berkshire, at Newbury.—*Henry Batson*, Kingston-upon-Hull, out of business, April 7 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*Matthew Tait*, Kingston-upon-Hull, shoemaker, April 7 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*Joseph Shaw*, Huddersfield, Yorkshire, cloth finisher, April 7 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*Samuel Boyd*, Kingston-upon-Hull, auctioneer, April 7 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*Robert Stowe*, Redditch, Worcestershire, baker, April 15 at 11, County Court of Worcestershire, at Redditch.—*W. Peachey*, Leigh, Worcestershire, builder, April 11 at 10, County Court of Worcestershire, at Worcester.—*Thomas Baylis*, Worcester, baker, April 11 at 10, County Court of Worcestershire, at Worcester.—*Thomas Wood*, Burslem, Staffordshire, potter, March 29 at 10, County Court of Staffordshire, at Hanley.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*April 7 at 10, before the CHIEF COMMISSIONER.*

*Robert Gunner*, Marine-street, Neckinger-road, Bermondsey, Surrey, baker.—*Wm. Ayer*, Lion-st., New Kent-road, Surrey, wine cooper.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*April 7 at 10, before the CHIEF COMMISSIONER.*

*Lewis Wales*, Saxony-cottages, Mare-st., Hackney, Middlesex, out of business.

*April 7 at 10, before Mr. Commissioner MURPHY.*

*Wm. W. Smith*, Church-street, Battersea, Surrey, corn merchant.



*April 8 at 11, before Mr. Commissioner PHILLIPS.*

*Thomas Richardson*, Asylum-terrace, King's-road, Chelsea, Middlesex, staymaker.—*John Summers*, Acton-street, Gray's-inn-road, Middlesex, carpenter.—*John Smith*, Brunton-place, Commercial-road East, near the Regent's Canal, Middlesex, druggist.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Yorkshire, at SHEFFIELD, April 12 at 12.*

*Joseph Swinden*, Sheffield, out of business.

*At the County Court of Monmouthshire, at MONMOUTH, April 21 at 2.*

*Henry Parratt*, Chepstow, coach builder.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Thomas Alesworth*, Liverpool, merchant: 1s. 1½d. (making 9s. 7½d.) in the pound.—*John H. Romer*, Brewer-street, St. James's, Westminster, Middlesex, licensed victualler: 3s. 9½d. in the pound.—*Morris L. Franklin*, Manchester, hat trimming dealer: 3s. 2d. in the pound.—*John T. Heap*, Hulme, Manchester, out of business: 8s. 4½d. in the pound.—*Robert Watson*, Durham, chemist: 3s. 6½d. in the pound.—*George Umberstone*, East-st., Globe-lane, Stepney, Mile-end, Middlesex, servant to the London Dock Company: 5s. 10d. (making 11s. 8d.) in the pound.—*John Cripp*, Danvers-street, Chelsea, Middlesex, lieutenant in her Majesty's Navy on half-pay: 5s. 10d. (making 9s. 5d.) in the pound.—*John Road* the elder, Upper Brook-street, Grosvenor-square, Middlesex, tailor: 5s. (making 5s. 4d.) in the pound.—*John T. Dickens*, Woolwich, Kent, grocer: 1s. 11½d. in the pound.—*William Chapman*, Chingford Hatch, Chingford, Essex, publican: 3s. 5d. in the pound.—*James Lilliecrap*, East Stonehouse, Devonshire, captain in her Majesty's Royal Navy: 5s. 5½d. in the pound.—*David Davies*, Tregarron, Cardiganshire, innkeeper: 1s. 8½d. in the pound.—*Joseph Walker*, West Auckland, Durham, woollendrapery: 1s. 2½d. in the pound.—*James T. Yates*, Greenwich, Kent, lieutenant in her Majesty's Royal Navy: 8s. 10d. (making 10s. 10½d.) in the pound.—*William Twiden*, Upper George-street, Portman-square, Middlesex, gentleman: 4s. 0½d. in the pound.—*Wm. Lupton*, Brighton Waterloo, near Liverpool, auctioneer: 10½d. in the pound.—*Margaret S. Elliot*, Greenwich, Kent, out of business: 5s. 1d. (making 8s. 4½d.) in the pound.

*Apply at the Provisional Assignees' Office, Portugal-street, Lincoln's-inn-fields, London, between the hours of 11 and 3.*

#### TUESDAY, MARCH 28.

##### BANKRUPTS.

**HENRY STEEL**, Norwich, tea dealer and grocer, April 10 at 2, and May 9 at 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Hodgkinson, 17, Little Tower-street, London.—Petition filed March 25.

**JAMES GREEN**, Northampton, carpenter and builder, April 5 at 2, and May 9 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Willan & Stevenson, Bedford-row, London.—Petition filed March 9.

**WILLIAM WALLEN** the younger, Lawrence Pountney-lane, London, architect, surveyor, builder, dealer and chapman, April 3 and May 11 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Stevens & Satchell, 6, Queen-street, Chapside.—Petition filed March 25.

**JAMES YOUNG HULBERT**, New-court, Bow-lane, London, and Upper Grange-walk, Bermondsey, Surrey, account-book manufacturer and dealer in parchment, dealer and chapman, April 7 at 1, and May 12 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Bridger & Collins, 37, King William-street, London-bridge.—Petition filed March 24.

**ROBERT ROBSON** and **JOHN THOMAS ROBSON**, Derby, silk manufacturers and silk throwsters, April 7 and 28 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. E. & H. Wright, Birmingham; Hudson & Co., 23, Bucklersbury, London.—Petition dated March 17.

**HENRY MALCOLM RAMSAY**, Elgin-crescent, Kensington-park, Middlesex, builder, April 7 at half-past 12, and May 12 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. James, 5, Basinghall-street, London.—Petition filed March 22.

**THOMAS RADFORD**, Noble-street, London, and Manchester, warehouseman and agent, dealer and chapman, April 5 at 1, and May 13 at half-past 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Sole & Co., 68, Aldermanbury, London.—Petition dated March 27.

**CHARLES BARNETT GIBBS**, Eccleshall, Staffordshire, grocer, dealer and chapman, April 20 and May 4 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Buterton, Eccleshall; E. & H. Wright, Birmingham.—Petition dated March 10.

**WILLIAM TURNER**, Crewkerne, Somersetshire, carrier, April 7 and May 4 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Gidley, Exeter; Randall, 5, Lawrence Pountney-lane, London.—Petition filed March 14.

**JOHN FREDERICK THYNNE**, Tavistock, Devonshire, dealer in musical instruments, April 7 and May 4 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Beer & Rundle, Devonport; Hartnoll, Exeter.—Petition filed March 22.

**WILLIAM ORMEROD BRADSHAW**, Bolton-le-Moors, Lancashire, builder, timber merchant, dealer and chapman, April 12 and May 1 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sol. Marsland, Bolton, Lancashire.—Petition filed March 17.

#### MEETINGS.

*Samuel G. M. Scowen*, Wood-street, Chapside, London, warehouseman, April 12 at half-past 1, Court of Bankruptcy, London, last ex.—*George Stewart Amnicak*, Frederick-street, Hampstead-road, Middlesex, common brewer, April 12 at 12, Court of Bankruptcy, London, aud. ac.—*Thomas Stevenson*, Nottingham, printer, April 7 at 10, District Court of Bankruptcy, Birmingham, aud. ac.—*James Ford*, Wolverhampton, Staffordshire, cattle dealer, April 8 at 10, District Court of Bankruptcy, Birmingham, aud. ac.—*John Roberts*, Tivdale Wire-works, near Dudley, Worcestershire, wire drawer, April 8 at 10, District Court of Bankruptcy, Birmingham, aud. ac.—*John Towry Burgon*, Bucklersbury, London, wholesale hardwareman, April 19 at half-past 1, Court of Bankruptcy, London, div.—*Thomas Harris* and *John Burle*, Hampstead-road, Middlesex, brewers, April 21 at half-past 12, Court of Bankruptcy, London, fin. div. sep. ests.—*James Holmes*, Regent-street, Westminster, Middlesex, shawl warehouseman, April 21 at 1, Court of Bankruptcy, London, div.—*Owen Sturgis* and *Wm. Adams*, College-villas, New Finchley-road, St. John's Wood, Middlesex, builders, April 21 at 11, Court of Bankruptcy, London, div.—*Thomas Clibbe*, Chester, ale brewer, April 21 at 11, District Court of Bankruptcy, Liverpool, div.—*John Malley*, Lancaster, silversmith, April 25 at 12, District Court of Bankruptcy, Manchester, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Jonas Bergthell*, Abchurch-lane, merchant, April 22 at half-past 11, Court of Bankruptcy, London.—*Joseph Rowe*, Hunter-street, Kent-road, Surrey, baker, April 21 at half-past 11, Court of Bankruptcy, London.—*Wm. M. Duffield*, Heavitree, Devonshire, commission agent, April 19 at 1, District Court of Bankruptcy, Exeter.—*George K. Kent*, Taunton, Somersetshire, plumber, April 20 at 1, District Court of Bankruptcy, Exeter.—*Henry P. Goodwin*, Solihull, Warwickshire, tallow chandler, April 22 at 10, District Court of Bankruptcy, Birmingham.—*James Gibney*, Nottingham, currier, April 28 at 10, District Court of Bankruptcy, Nottingham.—*Edmund Smith* the younger, Swinton, Lancashire, coal owner, April 25 at 12, District Court of Bankruptcy, Manchester.

*To be granted, unless an Appeal be duly entered.*

*Wm. Quinton*, Leather-lane, Middlesex, butcher.—*George Wren le Grand*, Lambeth-walk, Surrey, grocer.—*A. Hardwick*, Windsor, Berkshire, linendraper.—*James Lewis Lane*, Norwood, Surrey, brewer.—*John Taylor* the younger, Charlton, Kent, builder.—*John Delaney*, Mark-lane, London, wine merchant.—*Caleb Ambrose*, Sheerness, Kent, ironmonger.—

*John Watts*, Tiverton, Devonshire, hatter.—*John Tate*, Darlington, Durham, iron merchant.—*F. Chater*, Wolverhampton, Staffordshire, chemist.—*Henry Dawber*, Lincoln, butcher.

#### PETITION ANNULLED.

*John Corner Blacklock* and *Thomas Robinson*, Birmingham, drapers.

#### SCOTCH SEQUESTRATIONS.

*Angus Ross*, Inverness, ironmonger.—*Robert Crawford*, Edinburgh, lime burner.—*Morris, Young, & Co.*, Kilmarnock, calico printers.—*Mrs. Caroline Allatt*, Glasgow, lodging-house keeper.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Elizabeth Hall*, Liverpool, lodging-house keeper, April 3 at 10, County Court of Lancashire, at Liverpool.—*J. Woods*, Liverpool, assistant to a hosier, April 3 at 10, County Court of Lancashire, at Liverpool.—*Alfred H. Brown*, Barnstaple, Devonshire, chemist, April 5 at 10, County Court of Devonshire, at Barnstaple.—*Wm. Parker*, Milton-next-Gravesend, Kent, tailor, April 15 at 10, County Court of Kent, at Gravesend.—*Chas. Grey*, Newcastle-upon-Tyne, shipbroker's clerk, April 13 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—*Christopher Nelles*, Newcastle-upon-Tyne, cartman, April 13 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—*John Gallon* the younger, Newcastle-upon-Tyne, blacksmith, April 13 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—*David Liddle*, Newcastle-upon-Tyne, general dealer, April 13 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—*John Gaddes*, Gateshead, Durham, clogger, April 17 at 10, County Court of Durham, at Gateshead.—*G. Weatherall*, Nottingham, out of business, April 11 at 9, County Court of Nottinghamshire, at Nottingham.—*Wm. Spiby*, Nottingham, engineer, April 11 at 9, County Court of Nottinghamshire, at Nottingham.—*George Fish*, Arnold, Nottinghamshire, shoemaker, April 11 at 9, County Court of Nottinghamshire, at Nottingham.—*Joseph Toms*, Exeter, builder, April 18 at 10, County Court of Devonshire, at Exeter.—*Charles D. Wills*, Exmouth, Littleham, Devonshire, painter, April 11 at 10, County Court of Devonshire, at Exeter.—*Henry Egginton*, Sheffield, Yorkshire, brass turner, April 12 at 12, County Court of Yorkshire, at Sheffield.—*Joseph Green*, Sheffield, Yorkshire, beer-house keeper, April 12 at 12, County Court of Yorkshire, at Sheffield.—*John Taylor*, Sheffield, Yorkshire, anvil manufacturer, April 12 at 12, County Court of Yorkshire, at Sheffield.—*Wm. Abbott*, Sheffield, Yorkshire, shoemaker, April 12 at 12, County Court of Yorkshire, at Sheffield.—*John Shaw* the younger, Sals Moor, Cheshire, out of employment, April 29 at 11, County Court of Cheshire, at Altrincham.—*Anne Turner*, Hereford, fishmonger, April 13 at 10, County Court of Herefordshire, at Hereford.—*E. G. Stone*, Hastings, Sussex, tailor, April 17 at 11, County Court of Sussex, at Hastings.—*Richard Neale*, Coventry, Warwickshire, loom maker, April 19 at 12, County Court of Warwickshire, at Coventry.—*John Henson* the younger, Keresley, near Coventry, Warwickshire, grocer, April 19 at 12, County Court of Warwickshire, at Coventry.—*Henry Nicholls*, Coventry, Warwickshire, coachman, April 19 at 12, County Court of Warwickshire, at Coventry.—*Frederick Short*, Lyndhurst, Southampton, baker, April 7 at 10, County Court of Hampshire, at Southampton.—*Maria Taylor*, Leckhampton, Gloucestershire, out of business, April 18 at 10, County Court of Gloucestershire, at Cheltenham.—*Owen Gormley*, Manchester, publican, April 17 at 12, County Court of Lancashire, at Manchester.—*Thomas Laddin*, Shearsby, Leicestershire, licensed victualler, April 21 at 11, County Court of Leicestershire, at Lutterworth.—*C. Marriott*, Derby, butcher, April 15 at 12, County Court of Derbyshire, at Derby.—*J. Martin*, Litchurch, Derbyshire, beer-house keeper, April 15 at 12, County Court of Derbyshire, at Derby.—*Barritt Greenwood*, Manningham, near Bradford, Yorkshire, out of business, April 11 at 11, County Court of Yorkshire, at Bradford.—*Jas. Shuttleworth*, Bradford, Yorkshire, beer-house keeper, April 11 at 11, County Court of Yorkshire, at Bradford.

Saturday, March 25.

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*John Henry Nainby*, Regent-street, Lambeth, Surrey, not in any business, No. 58,078 T.; *Henry Seward*, assignee.—*George Banks*, Wilmington, near Dartford, Kent, baker, No. 64,251 T.; *John Durrant*, assignee.—*John Becks*, Waterloo-street, Camberwell, Surrey, out of employment, No. 64,219 T.; *Thomas Reginald Kemp*, assignee.—*R. Robson*, Ayton Stile, Durham, out of business, No. 77,545 C.; *Henry Gilpin*, assignee.—*D. Newman*, Gloucester, lieutenant in the Militia, No. 18,721 T.; *Thomas John Alderson*, assignee.—*Klein Grant*, Maidenhead, Berkshire, physician, No. 77,518 C.; *William Bernard*, assignee.—*Peter Paul Couch*, Waverly-road, Paddington, Middlesex, civil engineer, No. 63,975 T.; *Walton Pell*, assignee.—*Henry Holmes*, Boyle-st., Old Burlington-street, Middlesex, clerk, No. 63,327 T.; *John Hook*, assignee.—*James Garrideb*, Rishworth, near Halifax, Yorkshire, publican, No. 76,241 C.; *Henry Earnshaw*, assignee.

Saturday, March 25.

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

(On their own Petitions).

*James Bonny*, Reigate, Surrey, licensed victualler: in the Gaol of Surrey.—*James Knapp* the elder, Summer-cottages, Wertemberg-grove, Clapham, Surrey, out of business: in the Gaol of Surrey.—*John Doggett*, Old Church-st., Edgeware-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Thomas Gibson*, Wellington-place, Old Kent-road, Surrey, out of business: in the Gaol of Surrey.—*Simon Jonas*, Clifton-street, Finsbury, Middlesex, dealer in jewellery: in the Queen's Prison.—*A. Rowsell*, Upper Eaton-street, Fimlico, Middlesex, waiter to a coffee-house keeper: in the Debtors Prison for London and Middlesex.—*Charles Cole*, Upper Eaton-street, Fimlico, Middlesex, waiter to a coffee-house keeper: in the Debtors Prison for London and Middlesex.—*Frederick W. Rudkin*, Seymour-place, Easton-square, Middlesex, coal merchant: in the Debtors Prison for London and Middlesex.—*Thomas Stephenson*, Calvert-street, Old Gravel-lane, Middlesex, out of employ: in the Debtors Prison for London and Middlesex.—*Wm. Lloyd*, York-st., Westminster, Middlesex, licensed victualler: in the Queen's Prison.—*Henry Corsten*, Hungerford, or Grand Hall, Hungerford-market, Strand, Middlesex, florist: in the Debtors Prison for London and Middlesex.—*Jas. Gordon*, Jewry-st., Aldgate, London, teacher of mathematics: in the Debtors Prison for London and Middlesex.—*Samuel Wood Graves*, Warwick-st., Fimlico, Middlesex, gentleman: in the Debtors Prison for London and Middlesex.—*John O'Hara*, Talbot-villas, St. Columb's-road, Paddington, Middlesex, clerk to a builder: in the Debtors Prison for London and Middlesex.—*Jonathan Balf*, High-street, Camden-town, Middlesex, beer retailer: in the Debtors Prison for London and Middlesex.—*Henry Houghton*, Queen's-road, Bermondsey, Surrey, water-proofer: in the Gaol of Surrey.—*Edward Scott*, Haswell-cottage, Epsom, Surrey, tea dealer: in the Gaol of Surrey.—*Henry Baker*, Adam and Eve-court, Old Oxford-street, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Jonathan Bayley Shaw*, Philip-lane, Wood-st., Cheapside, London, out of employ: in the Debtors Prison for London and Middlesex.

(On Creditor's Petition).

*Jane Bright*, Northumberland-street, Strand, Middlesex, spinster: in the Debtors Prison for London and Middlesex.

(On their own Petitions).

*Thomas Andrews*, Ridgway, Worcester-shire, innkeeper: in the Gaol of Worcester.—*Kara Evans*, Bengeworth, Evesham, Worcester-shire, nailer: in the Gaol of Worcester.—*Ephraim Chamberlain*, Moulton, near Northampton, attorney's clerk: in the Gaol of Northampton.—*William Johnson* the elder, Downham Market, Norfolk, bone crusher: in the Gaol of Norwich.—*William Strickland Eccles*, Burnley, Lancashire, foreman to a tailor: in the Gaol of Lancaster.—*James Wm. Holland*, Longsight, near Manchester, out of business: in the Gaol of Lancaster.—*H. Smith*, Portsea, Hampshire, builder: in the Gaol of Winchester.—*W. Boyd*, Kingston-upon-Hull,

out of business: in the Gaol of Kingston-upon-Hull.—*John Brown*, Manchester, salesman: in the Gaol of Lancaster.—*Thomas Cornall*, Preston, Lancashire, labourer: in the Gaol of Lancaster.—*D. Harrison*, Blackburn, Lancashire, wholesale butcher: in the Gaol of Lancaster.—*Alexander Henderson*, Manchester, stationer: in the Gaol of Lancaster.—*R. Roscoe*, Salford, Lancashire, beer seller: in the Gaol of Lancaster.—*James Cutler*, Buckland Newton, Dorsetshire, innkeeper: in the Gaol of Dorchester.—*James Gilchrist*, York, beer seller: in the Gaol of York.—*Richard Kent*, Leeds, Yorkshire, dealer in milk: in the Gaol of York.—*Henry Watson*, Birkenhead, Cheshire, civil engineer: in the Gaol of Chester.—*George Card*, Tunbridge Wells, Tunbridge, Kent, fly driver: in the Gaol of Maidstone.—*Richard Wm. Dadd*, Rochester, Kent, out of business: in the Gaol of Maidstone.—*John H. Drew*, Plymouth, Devonshire, baker: in the Gaol of St. Thomas-the-Apostle.—*Francis Denman*, Bridgewater, Somersetshire, miller: in the Gaol of Wilton.—*Henry Faulkner*, Bridgewater, Somersetshire, coach builder: in the Gaol of Wilton.—*John Hedges*, Batonsborough, Somersetshire, innkeeper: in the Gaol of Wilton.—*John Daniels*, Manchester, venetian blind manufacturer: in the Gaol of Lancaster.—*Herbert Woolley*, Woolwich, Kent, third engineer: in the Gaol of Maidstone.—*Thomas Walton*, Manningham, near Bradford, Yorkshire, commission agent: in the Gaol of York.—*Thomas Leeder Daniels*, Saxlingham, Nethergate, Norfolk, butcher: in the Gaol of Norwich.—*James Seddon*, Ardwick, Manchester, pattern card maker: in the Gaol of Lancaster.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*April 11 at 10, before the CHIEF COMMISSIONER.*

*George Giles*, Natchez-villas, New-road, Twickenham, Middlesex, attorney-at-law.—*Henry Ashley*, Elizabeth-street, Eaton-square, Pimlico, Middlesex, tailor.

*April 11 at 11, before Mr. Commissioner PHILLIPS.*

*Walker Whittleau*, Lower James-street, Golden-square, Middlesex, cutter to a tailor.

*April 11 at 10, before Mr. Commissioner MURPHY.*

*Robert Elliot*, Argyll-place, Regent-st., Middlesex, commission agent.—*John Moss*, Corrogated-row, Bermondsey, Surrey, horse dealer.—*Samuel Wood Graves*, Warwick-st., Pimlico, Middlesex, gentleman.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Kent, at MAIDSTONE, April 11 at 12.*

*Richard Thomas Hart*, Wilmington, near Dartford, licensed victualler.—*George Card*, Tunbridge Wells, Tunbridge, mail cart sub-contractor.—*Wm. Wharton*, Longfield, near Gravesend, retailer of beer.—*Richard Wm. Dadd*, Rochester, out of business.—*Herbert Woolley*, Woolwich, third engineer.

*At the County Court of Worcestershire, at WORCESTER, April 11 at 10.*

*Esra Evans*, Evesham, naller.—*Thos. Andrews*, Ridgway, innkeeper.

*At the County Court of Cheshire, at CHESTER CASTLE, April 12.*

*Daniel Briscoe*, Ince, farmer's assistant.—*Ambrose Clark*, Mickle Trafford, in no business.—*Henry Watson*, Birkenhead, engineer.

*At the County Court of Norfolk, at NORWICH, April 12.*

*Thomas Leeder Daniels*, Saxlingham, Nethergate, butcher.—*William Johnson* the elder, Downham Market, out of business.

*At the County Court of Leicestershire, at LEICESTER, April 12 at 10.*

*John Spooner* the younger, Earl Shilton, saddler.

*At the County Court of Berkshire, at READING, April 13.*

*George Jarrett*, Wickham, Welford, builder.

*At the County Court of Herefordshire, at HEREFORD, April 13 at 10.*

*Caleb Gilbert*, White Heywood, Craswell, Clodock, dealer in cattle.

*At the County Court of Derbyshire, at DERBY, April 15 at 12.*

*James Topleiss*, Ticknall, accountant.

*At the County Court of Sussex, at LEWES, April 18.*

*James Crisford*, Westfield, grocer.

*At the County Court of Warwickshire, at COVENTRY, April 19 at 12.*

*Joseph Baylis*, Birmingham, maltster.—*John Bond Cooke*, Manchester, out of business.—*Wm. J. Scott*, Birmingham, attorney's clerk.—*James Tams*, Birmingham, dealer in glass.—*John Shaddock*, Redditch, shoemaker.—*Wm. Hackwood*, Shelton, manufacturer of earthenware.

*At the County Court of Gloucestershire, at GLOUCESTER, April 25.*

*Joseph William Cave*, Horfield, near Bristol, slater.

## COURT FOR RELIEF OF INSOLVENT DEBTORS IN IRELAND.

*The following Prisoner is ordered to be brought up before the Court, in Limerick, April 12 at 9, to be dealt with according to the Statute:—*

*John Hassett*, Limerick, mineral water manufacturer.

## LAW BOOKS

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# The Jurist

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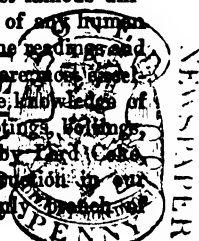
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LONDON, APRIL 8, 1854.

WE believe that the time has arrived when the question of legal education may be considered to some extent apart from the exclusive and peculiar interests of the Profession. No doubt it is a matter of great importance that we should possess in this country an order of advocates, distinguished by their learning, acquirements, and general ability—an order from which our judges are selected, and an order which has given many of our greatest statesmen and orators to Parliament. The question which has recently been suggested, rather than definitely stated, in Parliament, on this subject, is, whether it would not be possible so to improve the curriculum of legal education, by giving it a more general and scientific character, as to attract to the Legal University those young men who are candidates for appointments in some of the higher branches of the public service. This point was well put by the Solicitor-General in the course of the discussion which took place on Mr. Napier's motion for a commission to inquire into the system of legal education provided in the Inns of Court. The honourable and learned gentleman said "he hoped to see the time when a great Legal University would be constituted, to act in co-operation with Oxford, Cambridge, Dublin, and the London University, the degree in which would be considered a test of competency previous to admission to certain of the more important of the public departments." It will be remembered that the Government of India Act of last session established the principle, that all appointments in the civil service, and in the scientific branches of the Indian army, should be thrown open to merit; and, acting on the same principle, Sir Charles Trevelyan and the Rev. Mr. Jowett have prepared a plan, somewhat of the same kind, with respect to the organisation of the civil service in this country. One portion of the plan, to which a great objection has been urged, is, that this immense mass of patronage would be practically transferred from the heads of departments to a board of examiners. Into this objection we do not propose to enter, for if a degree were received as a test of competency, the head of the department would be enabled to make his patronage and his responsibility still go together. Of course, we do not propose that every clerk in the Customs or in the Post-office should be a graduate well up in classics, mathematics, and in public and private law; we confine our observations to those departments of the public service in which a knowledge of law is not a mere gentlemanly accomplishment, but an absolute and indispensable necessity. Anciently England possessed a Legal University, which is described by Lord Coke "as the most famous university for the profession of the law, or of any human science, that is in the world, in which the readings and other exercises of the laws therein used, were so excellent and behoofful for attaining to the knowledge of these laws." When "the readings, mootings, lectures, and exercises," so much commended by Lord Coke, became mere forms, all scientific instruction in our own common law—which was "the best and most

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jurisprudence taught in the Legal University—may be said to have departed the realm. A system of instruction, however, insensibly and necessarily grew up, which was found convenient, and eminently successful in forming the mere technical lawyer—we mean the system of reading in chambers; and we could cite many illustrious instances of men of superior intellect and indefatigable industry, who, almost by their own unaided and undirected endeavours, by hard reading and the irksome task of copying pleadings, have become profound masters of particular branches of jurisprudence. Within the last ten years various attempts have been made to improve the system of instruction which exists in the different Inns of Court. Lecturers have been appointed, scholarships have been established for the most distinguished students—in short, a great improvement has been effected; but still the examination is not compulsory, and therefore any person who wishes to acquire the status of a barrister can do so by payment of a certain sum, by eating so many dinners, and by attending so many lectures. When he is called to the Bar, not the slightest test is required for the purpose of ascertaining whether he has ever opened a law book, or whether he knows the commonest principles of that Profession of which he is thus permitted to become a nominal and an honorary member. If we are to have an efficient system of legal education, the first measure will be to require an examination in all cases, as a test of competency; and the second will be to increase the number of the professors. The existing chairs are those of civil law, constitutional law, real property, equity and common law; to these there should be added chairs of commercial law, comparative law, international law, medical jurisprudence, and logic and rhetoric. It will readily be admitted that a knowledge of commercial law is most important in a country like England, with its enormous trade in every quarter of the world; and the events which are passing around us at the present time shew the absolute necessity which exists, not only that lawyers, but that our merchants generally, should be acquainted with those laws of war which affect so directly their personal interests. In the diplomatic and consular service, it is a matter of the highest importance that all attachés, secretaries of legation, and consuls should have a competent knowledge, not only of the municipal law of their own country, but of international law, commercial law, the interpretation of treaties, the rights of belligerents and neutrals, &c.; for it has sometimes happened that an individual in a subordinate position has been obliged, in the absence of his superior, to undertake, upon the instant, the conduct of most difficult and delicate negotiations. To clerks in the foreign and colonial office, as well as to candidates for diplomatic employment, the degree of the Legal University, we are persuaded, might be required with great advantage to the public service. With regard to medical jurisprudence, a knowledge of that most important subject is only to be acquired by attending medical jurisprudential lectures at some of the great hospitals; and this circumstance has, on many occasions, led the public to appoint members of the medical profession to the legal office of coroner, solely on account of their medical knowledge, and without regard to the important con-

sideration, that a coroner should also be equally acquainted with the rules of evidence and the general principles of criminal law. Under the proposed measure for the establishment of public prosecutors, a course of this description would be most valuable, as well to magistrates as to all other persons concerned in the administration of criminal justice. This system would, in fact, be nothing more than a substantial reconstitution of the Inns of Court as a great Legal University. Fortescue, C. J., says, "that the Inns of Court consisted of two sets of collegiate houses—one called the Inns of Chancery, in which the younger students of the law were usually placed, learning and studying the originals, and, as it were, the elements and principles of the law, who profiting therein as they grew to ripeness, so were they admitted to the greater inns of the same study; and in these inns of both kinds, barons and knights, and other grandees and noblemen of the kingdom, were accustomed to place their children, though they did not desire to have them thoroughly learned in the law, or to get their living by its practice." We trust, therefore, that the effect of Mr. Napier's motion will be, not only to improve the course of instruction afforded in our Inns of Court, by enlarging its basis, and rendering it of a more scientific character, but that it will attract to the study of the law those public servants in the higher departments of the State, to whom, we repeat, some amount of legal knowledge is an absolute necessity. We would not, however, confine these advantages to the Legal University; we hope that Oxford, Cambridge, and the London University will offer to students the same course of instruction; and that, for the future, no man will have the opportunity of saying, as the Solicitor-General stated before Mr. Wyse's committee, "that it is obvious to every person who is thoroughly acquainted with the tone and manner of the education of young men, that their habits as students are directed by what you may denominate merely practical attainments; and that you can scarcely find an instance of a young man who has commenced his legal studies by laying anything like that broad foundation of the study of jurisprudence in such a manner as you would desire it to be done as a preparative to the practical details into which the student must almost immediately enter." In almost every other profession and calling a preliminary test of competency is required. The physician, the surgeon, the apothecary, the master of a ship, and the solicitor, are required to undergo some preliminary and compulsory examination, necessary both for themselves and for the benefit of the public at large; and we are at a loss to conceive on what principle an individual should be allowed to purchase the status of an advocate without the slightest or the most indefinite test of competency. Mr. Napier deserves the thanks of the Profession for having called the attention of Parliament to this subject; and we trust, that by means of the inquiry which is now to be instituted, the Inns of Court will at length be restored to their ancient and dignified position as integral portions of the Legal University, and that they will exercise that general and systematic control over the instruction of students which is as necessary for the interests of the Profession as for those of the public at large.

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*At Lincoln's Inn.*

Thursday .....	20	Petitions.
Friday .....	21	
Saturday .....	22	
Monday .....	24	} Appeals.
Tuesday .....	25	
Wednesday .....	26	
Thursday .....	27	Appeal Motions and Appeals.
Friday .....	28	
Saturday .....	29	
Monday .... May 1		} Appeals.
Tuesday .....	2	
Wednesday .....	3	
Thursday .....	4	Appeal Motions and Appeals.
Friday .....	5	
Saturday .....	6	
Monday .....	8	} Appeals.
Tuesday .....	9	
Wednesday .....	10	Petitions.
Thursday .....	11	Appeal Motions and Appeals.

*Notice.*—Such days as his Lordship is hearing Appeals in the House of Lords excepted.

*Before the LORDS JUSTICES, at Westminster.*

Wednesday, April 19 Appeal Motions.

*At Lincoln's Inn.*

Thursday .....	20	Appeal Motions and Appeals.
Friday .....	21	} Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday .....	22	
Monday .....	24	} Appeals.
Tuesday .....	25	
Wednesday .....	26	
Thursday .....	27	Appeal Motions and Appeals.
Friday .....	28	} Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday .....	29	
Monday .... May 1		} Appeals.
Tuesday .....	2	
Wednesday .....	3	
Thursday .....	4	Appeal Motions.
Friday .....	5	} Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday .....	6	
Monday .....	8	} Appeals.
Tuesday .....	9	
Wednesday .....	10	
Thursday .....	11	Appeal Motions.

*Notice.*—The days on which the Lords Justices shall be engaged in the full Court are excepted.

*Before the Right Hon. the MASTER OF THE ROLLS, at Westminster.*

Wednesday, April 19 Motions.

*At Chancery-lane.*

Thursday .....	20	Petitions in General Paper.
Friday .....	21	
Saturday .....	22	
Monday .....	24	} Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions
Tuesday .....	25	
Wednesday .....	26	
Thursday .....	27	Motions.

Friday .....	28	} Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Saturday .....	29	
Monday .... May 1		
Tuesday .....	2	
Wednesday .....	3	
Thursday .....	4	Motions.
Friday .....	5	
Saturday .....	6	} Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Monday .....	8	
Tuesday .....	9	
Wednesday .....	10	Petitions in General Paper.
Thursday .....	11	Motions.

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*Notice.*—Consent Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard.

*Before Vice-Chancellor Sir RICHARD T. KINDERSLEY, at Westminster.*

Wednesday, April 19 Motions.

*At Lincoln's Inn.*

Thursday .....	20	} Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Friday .....	21	
Saturday .....	22	} Petitions (unopposed first).
Monday .....	24	
Tuesday .....	25	} Short Causes, Short Claims, and General Paper.
Wednesday .....	26	
Thursday .....	27	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Friday .....	28	Motions and General Paper.
Saturday .....	29	Petitions (unopposed first).
Monday .... May 1		} Short Causes, Short Claims, and General Paper.
Tuesday .....	2	
Wednesday .....	3	
Thursday .....	4	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Friday .....	5	Motions and General Paper.
Saturday .....	6	Petitions (unopposed first).
Monday .....	8	} Short Causes, Short Claims, and General Paper.
Tuesday .....	9	
Wednesday .....	10	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	11	Motions and General Paper.

N. B.—Unopposed Petitions, not exceeding ten, at the sitting of the Court, every day except Seal-days.

*Before Vice-Chancellor Sir J. STUART, at Westminster.*

Wednesday, April 19 Motions.

*At Lincoln's Inn.*

Thursday .....	20	} Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Friday .....	21	
Saturday .....	22	
Monday .....	24	Petitions and General Paper.
Tuesday .....	25	Short Causes, Short Claims, & Causes.
Wednesday .....	26	} Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	27	
Friday .....	28	Motions and General Paper.
Saturday .....	29	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Monday .... May 1		Petitions and General Paper.
Tuesday .....	2	Short Causes, Short Claims, & Causes.
Wednesday .....	3	} Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	4	
Friday .....	5	Motions and General Paper.
Saturday .....	6	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Monday .....	8	Petitions and General Paper.
Tuesday .....	9	Short Causes, Short Claims, & Causes.
Wednesday .....	10	} Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	11	



*Before Vice-Chancellor Sir W. P. Wood, at Westminster.*

Wednesday, April 19 Motions.

*At Lincoln's Inn.*

Thursday .....	20	Pleas, Demurrers, Exceptions, Causes,
Friday .....	21	Claims, and Further Directions.
Saturday .....	22	Petitions, Short Causes and Claims, and General Paper.
Monday .....	24	Pleas, Demurrers, Exceptions, Causes,
Tuesday .....	25	Claims, and Further Directions.
Wednesday .....	26	Motions and General Paper.
Thursday .....	27	Pleas, Demurrers, Exceptions, Causes,
Friday .....	28	Claims, and Further Directions.
Saturday .....	29	Petitions, Short Causes and Claims, and General Paper.
Monday .....	May 1	Pleas, Demurrers, Exceptions, Causes,
Tuesday .....	2	Claims, and Further Directions.
Wednesday .....	3	Motions and General Paper.
Thursday .....	4	Pleas, Demurrers, Exceptions, Causes,
Friday .....	5	Claims, and Further Directions.
Saturday .....	6	Petitions, Short Causes and Claims, and General Paper.
Monday .....	8	Pleas, Demurrers, Exceptions, Causes,
Tuesday .....	9	Claims, and Further Directions.
Wednesday .....	10	Motions and General Paper.
Thursday .....	11	

### COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.

The Lord Chancellor, under the powers of the 16 & 17 Vict. c. 78, intituled "An Act relating to the Appointment of Persons to administer Oaths in Chancery, and to Affidavits made for Purposes connected with Registration," has appointed the following gentlemen to be Commissioners for administering Oaths in Chancery:—

#### *To be London Commissioners.*

John Park Sweetland, 14, Queen-square, Bloomsbury.  
John Taylor, 7, Gray's-inn-square.  
John Thomas White, 11, Bedford-row.  
William Henry Trinder, 1, John-street, Bedford-row.  
Thomas Gibson Brewer, 3, Philpot-lane, City.  
Peter Wickens Fry, 80, Cheapside, City.  
John Henry Taylor, 15, South-street, Finsbury-square.  
Joseph Unwin Harwood, 10, Clement's-lane, Lombard-street, City.  
John James, 13, Suffolk-street, Pall-mall East.  
William Hunter, 17, Bloomsbury-street, Bedford-square, and 28, Mecklenburgh-square.

#### *To be Commissioners in England.*

Thomas William Southam, Uppingham, Rutlandshire.  
William Henry Cave, Thatcham, Berkshire.  
William Edward Ratcliffe, Ryde, Isle of Wight.  
Thomas Rymer, Liverpool.

### London Gazettes.

FRIDAY, MARCH 31.

#### BANKRUPTS.

SSLIOMIA (and not ISLIOMIA, as before advertised)  
STERNE, Great St. Helen's-chambers, Great St. Helen's, London, merchant, dealer and chapman, April 5 at 2, and May 2 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Norton & Son, New-street, Bishopsgate.—Petition filed March 21.  
ANDREW BURN, Sackville-street, Piccadilly, Middlesex, tailor, April 7 at 12, and May 12 at half-past 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Fraser & May, 78, Dean-street, Soho.—Petition filed March 23.

HENRY WILSON the younger, Old-street-road, Middlesex, currier and leather seller, dealer and chapman, April 12 at 2, and May 9 at 11, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Finch & Shephard, Moorgate-street, London.—Petition filed March 28.

JOHN LYONS, Alie-place, Great Alie-street, Goodman's-fields, Middlesex, and Minorie, London, packing-case manufacturer and undertaker, April 13 at half-past 12, and May 18 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Messrs. Solomon, Fenchurch-street.—Petition filed March 29.

JOHN WITHERS, Oxford, chemist and druggist, April 7 at 2, and May 13 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Holmes, 25, Great James-street, Bedford-row, London.—Petition filed March 30.

THOMAS O'BRIEN GLEADAH, Leamington, Warwickshire, music seller, dealer and chapman, April 11 at 2, and May 12 at 1, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Parkinson, 9, Argyll-street, Regent-street, London.—Petition filed March 27.

HENRY GLADWELL MORTIMER, Lee, Kent, builder, April 11 and May 9 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Keighley, 73, Basinghall-street, London.—Petition filed March 23.

JOSEPH SCUDAMORE, Coleford, Gloucestershire, draper, dealer and chapman, April 12 and May 10 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Whittington & Gribble, Bristol; Davidson & Bradbury, Weavers' Hall, London.—Petition filed March 17.

ROBERT THOMSON, York, linendraper, dealer and chapman, April 21 and May 5 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Slater, Manchester; Blackburn, Leeds.—Petition dated March 21.

WILLIAM CLARKE and THOMAS BOULTON, Manchester, check manufacturers, April 10 and May 3 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pot; Sol. Faulkner, Manchester.—Petition filed March 23.

#### MEETINGS.

Samuel Godfrey Moulton Scovens, Wood-street, Cheapside, London, warehouseman, April 12 at half-past 1, Court of Bankruptcy, London, last ex.—*Philip Oliver*, Edward-square, Brompton, Middlesex, and Llambadarnfwr, Cardiganhire, dealer in mining shares, April 12 at half-past 12, Court of Bankruptcy, London, last ex.—*J. Baptiste Duplein*, Wharf-road, City-road, Middlesex, colour merchant, April 22 at 11, Court of Bankruptcy, London, div.—*J. Stevens* the younger, Coalbournbrook, Old Swinford, Staffordshire, glass manufacturer, April 24 at 10, District Court of Bankruptcy, Birmingham, div.—*Robt. Rimmer*, Southport and Seaport, Lancashire, builder, April 24 at 12, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

Henry Wheeler, Richmond, Surrey, baker, April 25 at 11, Court of Bankruptcy, London.—*Thomas Watts*, Cassington, Oxfordshire, cattle dealer, April 22 at half-past 11, Court of Bankruptcy, London.—*Edw. Balding*, Speenhamland, Speen, Berkshire, builder, April 22 at 1, Court of Bankruptcy, London.—*Louisa Matilda Rachel Smith*, Salisbury-st., Strand, Middlesex, boarding-house keeper, April 22 at half-past 11, Court of Bankruptcy, London.—*Thomas Eastgate*, Churton-street, Pimlico, and Tothill-street, Westminster, Middlesex, boot salesman, April 22 at 12, Court of Bankruptcy, London.—*Henry Clare Timpeon*, Woolwich, Kent, surgeon, April 24 at 12, Court of Bankruptcy, London.—*Isaac Dewhurst*, Halifax, Yorkshire, commission agent, May 8 at 11, District Court of Bankruptcy, Leeds.—*John Rodway*, Gloucester, victualler, April 25 at 12, District Court of Bankruptcy, Bristol.—*John Clegg*, Liverpool, licensed victualler, April 24 at 11, District Court of Bankruptcy, Liverpool.—*Dobson Ulyett*, Sheffield, Yorkshire, draper, April 22 at 10, District Court of Bankruptcy, Sheffield.—*John Matthews Bayley*, Wheaton Aston, Staffordshire, beer seller, April 24 at 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

Christopher Greenfield, Brighton, Sussex, chemist.—*John Cubbon*, Liverpool, joiner.—*George Booth*, Bishopwearmouth, Sunderland, Durham, shipowner.—*Joshua Scholes*, Ashton-

under-Lyde, Lancashire, shopkeeper.—*John Howitt*, Sheffield Moor, near Sheffield, Yorkshire, draper.—*Stephen Davis*, York, farrier.—*Thomas Frudd*, Barnsley, Yorkshire, inn-keeper.

#### PETITIONS ANNULLED.

*Charles C. Hamilton*, Little Queen-street, Lincoln's-inn-fields, Middlesex, ironmonger.—*James M. Lawton*, Manchester, woollen warehouseman.

#### PARTNERSHIPS DISSOLVED.

*Edwin Albert Harrison* and *Joseph Brown*, Birmingham, attorneys and solicitors.—*Benjamin Lawrence*, *James Crowley*, and *Thomas W. Bowby*, Old Fish-street, Doctors'-commons, London, attorneys and solicitors.—*Matthew Gray* and *John Brewster*, Whitby, Yorkshire, attorneys and solicitors, (under the firm of Belcher, Gray, & Brewster).

#### SCOTCH SEQUESTRATIONS.

*David Birrell*, Dunfermline, yarn merchant, and Oxford-street, Middlesex, table linen merchant.—*Robert Tait*, Hampson, & Co., Glasgow, merchants.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Wm. Cullum*, Loddon, Norfolk, cordwainer, April 13 at 10, County Court of Norfolk, at Norwich.—*Francis Young*, Doddbrooke, Devonshire, schoolmaster, April 26 at 11, County Court of Devonshire, at Kingsbridge.—*Wm. Wain*, Leicester, carpenter, April 12 at 10, County Court of Leicestershire, at Leicester.—*Joseph Rothery*, Halifax, Yorkshire, grocer, April 12 at 10, County Court of Yorkshire, at Halifax.—*Wm. N. Dale*, Manningtree, Essex, licensed victualler, April 17 at 12, County Court of Essex, at Colchester.—*Benjamin Robertshaw*, Bowling, near Bradford, Yorkshire, labourer, April 11 at 11, County Court of Yorkshire, at Bradford.—*J. Beewick*, Blackburn, Lancashire, tailor, April 17 at 11, County Court of Lancashire, at Blackburn.—*James Vinten*, Cliffe, near Rochester, Kent, bailiff, April 13 at 10, County Court of Kent, at Rochester.—*Wm. M. Carwardine*, Troy-town, St. Margaret, next Rochester, Kent, corn factor, April 13 at 10, County Court of Kent, at Rochester.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Lancashire, at LANCASTER, April 15 at 12.*

*Joseph Halsead*, Booth Fold, near Newchurch, blacksmith.—*John Brown*, Manchester, lodging-house keeper.—*John Garratt*, Hulme, Manchester, joiner.—*T. Cornall*, Preston, labourer.—*F. Liffen*, Liverpool, ship chandler.—*John Hector Meare*, Liverpool, out of business.—*John German*, Lancaster, out of business.—*John Wilson*, Burnley, grocer.—*R. Roscoe*, Salford, tailor.—*Ann Booth*, Blackburn, shopkeeper.—*David Harrison*, Blackburn, butcher.—*Stephen Bailey*, Manchester, cabinet maker.—*A. Wolfenden*, Old Trafford, near Manchester, out of business.—*Joseph Davis*, Chorlton-upon-Medlock, Manchester, out of business.—*James W. Holland*, Longsight, near Manchester, out of business.—*Wm. S. Eccles*, Burnley, foreman to a tailor.—*John Ashworth*, Oldham, out of business.—*V. Engel*, Manchester, cap manufacturer.—*G. R. Wilmot*, Salford, bookkeeper.—*James Gerguson*, Manchester, yarn dealer.—*C. Graw*, Liverpool, out of business.—*Thomas Higham*, Longsight, near Manchester, out of business.—*R. Cockshott*, Great Harwood, near Blackburn, joiner.—*Edward Bowen*, Bolton-le-Moors, joiner.—*James Filton*, Tachler-on-Heap, near Bury, provision-shop keeper.—*Thomas Heskest*, Peadleton, near Manchester, joiner.—*Joseph Scholes*, Oldham, licensed victualler.—*Wm. C. Handforth*, Oldham, out of business.—*Wm. Clifton*, Samlesbury, near Preston, farmer.—*W. Taylor*, Warrington, out of business.—*T. Gibson*, Manchester, out of business.—*James Hayes*, Ince, near Wigan, grocer.—*John Daniels*, Manchester, venetian blind manufacturer.—*James Hayes*, Manchester, beer seller.—*Charles Hayward*, Manchester, out of business.

*At the County Court of Somersetshire, at TAUNTON, April 18.*

*Wm. Gray*, Nailsea, shopkeeper.—*Wm. Lane*, West Coker,

carpenter.—*F. Denman*, Bridgewater, miller.—*H. Faulkner*, Bridgewater, coach builder.

*At the County Court of Kent, at DOVER, April 19 at 11.*  
*Daniel Blott*, Maidstone, in no business.

#### TUESDAY, APRIL 4.

#### BANKRUPTS.

*WILLIAM LLOYD*, York-street, Westminster, Middlesex, licensed victualler, and Great Russell-street, Covent-garden, Middlesex, beer-shop keeper, April 12 at half-past 2, and May 19 at 12, Court of Bankruptcy, London: Off. Ass. Cannon; Sols. Farnell & Tanqueray Gillaume, 34, New Broad-street, City.—Petition filed March 27.

*FREDERICK HELLYER*, formerly of Brunswick-street, Blackwall, Middlesex, but now of Wellington-cottage, New Brompton, near Chatham, Kent, wood carver and contractor, (trading under the name of Hellyer & Son), April 11 at half-past 2, and May 16 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Hillyer & Fenwick, 30, St. Mary-at-Hill, London.—Petition filed April 1.

*JOHN SOLOMON*, Circus, Minorities, London, ship owner and general merchant, trader, dealer and chapman, (formerly of Liverpool), April 12 at half-past 2, and May 15 at 2, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Ashley & Watts, Lord Mayor's Court-office, 7, Old Jewry, London.—Petition filed April 3.

*JOSEPH STANBRIDGE ROGERS CLARKE*, of Richmond-villas, Westbourne-grove, Bayswater, and late of Islington, Middlesex, dealer in hay, April 12 at half-past 1, and May 20 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Elliott, 2, Great Knight Rider-st., Doctors'-commons, London.—Petition dated April 3.

*STEPHEN MEREDITH*, Birmingham, draper, dealer and chapman, April 20 and May 11 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Hodgson, Birmingham.—Petition dated April 3.

*NOAH LEE*, Bingley, Yorkshire, innkeeper, dealer and chapman, April 21 and May 5 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Weatherhead & Burr, Keighley; Bond & Barwick, Leeds.—Petition dated March 27.

*GEORGE HASLAM*, Higham, near Alfreton, Derbyshire, carrier and leather dealer, dealer and chapman, April 22 and May 6 at 10, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sols. Barker, Huddersfield; Dixon & Blackwell, Sheffield.—Petition dated March 23.

#### MEETINGS.

*Stephen Carlton*, Darlington, Durham, coach manufacturer, April 25 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Thos. Young*, North Shields, and Howdon Pans, Northumberland, ship builder, April 11 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Frederick James West*, London-terrace, Hackney-road, Middlesex, draper, April 25 at 12, Court of Bankruptcy, London, and ac.—*John Hales Sweet*, Tunbridge Wells, Kent, seedsman, April 25 at 12, Court of Bankruptcy, London, and ac.—*Henry Clare Timpson*, Woolwich, Kent, surgeon, April 24 at 12, Court of Bankruptcy, London, and ac.—*Wm. Outram*, Stockton-upon-Tees, Durham, timber merchant, April 25 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*John Taylor*, Newcastle-upon-Tyne, common brewer, April 25 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*H. Jas. Gunning*, Okehampton, Devonshire, surgeon, April 25 at 1, District Court of Bankruptcy, Exeter, and ac.; May 4 at 1, div.—*James Woods*, Buckfastleigh, Devonshire, miller, April 25 at 1, District Court of Bankruptcy, Exeter, and ac.; May 4 at 1, div.—*Wm. Munro Duffield*, Heavitree, Devonshire, commission agent, April 25 at 1, District Court of Bankruptcy, Exeter, and ac.; May 4 at 1, div.—*Richard Stephens*, Truro, Cornwall, draper, April 25 at 1, District Court of Bankruptcy, Exeter, and ac.; May 4 at 1, div.—*Thomas Proctor*, Lincoln, engineer, April 26 at 12, District Court of Bankruptcy, Kingston-upon-Hull, and ac.; at half-past 12, div.—*W. Barnes*, Hungerford, Berkshire, auctioneer, May 2 at 11, Court of Bankruptcy, London, div.—*Anthony George Wright Biddulph*, *John Wright*, *Henry Robinson*, and *E. Wm. Jerningham*, Henrietta-street, Covent-garden, Middle-

sex, bankers, May 2 at 11, Court of Bankruptcy, London, div. sep. est. of *Anthony George Wright Biddulph*.—*John Gally Hartley* and *Wm. Jubilee Reed*, Princes Dock, Rotherhithe, Surrey, and New-st., and Fore-street, Limehouse, Middlesex, shipwrights, April 27 at 11, Court of Bankruptcy, London, div.—*B. N. Dodd*, Hetton-le-Hole, Durham, grocer, April 25 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—*Wm. Ellis*, Liverpool, printer, April 25 at 11, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*John Saller*, Backchurch-lane, Whitechapel, and Ratcliffe-highway, Middlesex, yeast merchant, April 25 at half-past 11, Court of Bankruptcy, London.—*Jas. Harper Gibbons*, Wood-street, Cheapside, London, straw-hat warehouseman, April 26 at 2, Court of Bankruptcy, London.—*Geo. Stewart Amsinck*, Frederick-st., Hampstead-road, Middlesex, common brewer, April 26 at half-past 1, Court of Bankruptcy, London.—*John Angus Homes*, High-street, Southwark, and Portland-cottages, Hatcham, Surrey, woollen draper, April 26 at 1, Court of Bankruptcy, London.—*Robert Frederick Cooper*, Three Colt-street, Limehouse, Middlesex, oilman, April 25 at 12, Court of Bankruptcy, London.—*Edwin Orpin*, Lansdowne-street, Brighton, Sussex, builder, April 25 at 12, Court of Bankruptcy, London.—*W. Thovey Ashfield*, Church-street, Lambeth, Surrey, lithographic printer, April 25 at half-past 1, Court of Bankruptcy, London.—*J. Hales Sweet*, Tunbridge Wells, Kent, seedman, April 25 at 12, Court of Bankruptcy, London.—*William Ousden*, Stockton-upon-Tees, Durham, timber merchant, April 25 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*T. Pitt*, Haselbury Plucknett, Somersetshire, girth web manufacturer, April 27 at 1, District Court of Bankruptcy, Exeter.—*J. Pointon*, Monks Coppenhall, Cheshire, innkeeper, April 25 at 12, District Court of Bankruptcy, Liverpool.—*Thos. Evans*, Manchester, ironmonger, April 26 at 12, District Court of Bankruptcy, Manchester.—*Edward Banks Green*, Bilston, Staffordshire, ironmonger, April 27 at 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*James Pugh*, Lyndhurst-square, Peckham, Surrey, tailor.—*James Gill*, Calvert's-buildings, High-st., Southwark, Surrey, hop factor.—*Wm. Sims*, Redrath, Cornwall, linendraper.—*James Frame*, Liverpool, stationer.—*Henry Purcell*, Dudley, Worcestershire, booter.—*Thomas Proctor*, Lincoln, engineer.—*Joseph Greenwood*, Spring Head, Keighley, Yorkshire, woolstapler.

#### PETITION DISMISSED.

*Henry C. Palmer*, Stone's-end, Southwark, Surrey, retail hatter.

#### FIAT ANNULLED.

*Thomas Dawson*, Dalton, Yorkshire, butcher.

#### SCOTCH SEQUESTRATION.

*James Liddell*, Glasgow, warehouseman.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Thos. White*, Castle-end, Kenilworth, Warwickshire, bricklayer, April 17 at 2, County Court of Warwickshire, at Warwick.—*John Horton*, Birmingham, out of business, April 22 at 10, County Court of Warwickshire, at Birmingham.—*Joseph Husselbee*, Birmingham, builder, April 22 at 10, County Court of Warwickshire, at Birmingham.—*W. Davis*, Birmingham, coachbuilder, April 22 at 10, County Court of Warwickshire, at Birmingham.—*Charles Ross*, Birmingham, patten-ring manufacturer, April 22 at 10, County Court of Warwickshire, at Birmingham.—*Joseph Kendall* the elder, Birmingham, retail brewer, April 22 at 10, County Court of Warwickshire, at Birmingham.—*George Crutchley*, Birmingham, butcher, April 22 at 10, County Court of Warwickshire, at Birmingham.—*Wm. Mills*, Birmingham, grocer, April 22 at 10, County Court of Warwickshire, at Birmingham.—*John White*, Birmingham, silver plater, April 22 at 10, County Court of Warwickshire, at Birmingham.—*Boan Evans*, Briton Ferry, Glamorganshire, out of business, April 15 at 10, County

Court of Glamorganshire, at Neath.—*John Thomas*, Brynhyffryd, Ystrad-y-fodog, Glamorganshire, shopkeeper, April 13 at 10, County Court of Glamorganshire, at Merthyr Tydfil.—*George Gwynne*, Llanymynech, Shropshire, cooper, April 22, at 10, County Court of Shropshire, at Oswestry.—*J. Roberts*, Sellatyn, Shropshire, farmer, April 22 at 10, County Court of Shropshire, at Oswestry.—*W. Worby*, Spalding, Lincolnshire, millwright, April 26 at 12, County Court of Lincolnshire, at Spalding.—*John Lucking Oddy*, Little Waltham, Essex, out of business, April 19 at 12, County Court of Essex, at Rochford.—*Robert Beare*, Andover, Southampton, shoemaker, April 25 at 11, County Court of Hampshire, at Andover.—*Charles A. Mead Rickard*, Swansea, Glamorganshire, potter, April 18 at 10, County Court of Glamorganshire, at Swansea.—*W. Henry Rickard*, Swansea, Glamorganshire, potter, April 18 at 10, County Court of Glamorganshire, at Swansea.—*John Hammond*, Ipswich, Suffolk, beer-house keeper, April 15 at half-past 9, County Court of Suffolk, at Ipswich.—*Wm. N. Seagrave*, Ipswich, Suffolk, corn chandler, April 15 at half-past 9, County Court of Suffolk, at Ipswich.—*George Nickson*, Shorne, near Gravesend, Kent, out of business, April 15 at 10, County Court of Kent, at Gravesend.—*R. Holmden*, Edenbridge, Kent, gamekeeper, April 21 at 10, County Court of Kent, at Tunbridge.—*West Norman*, Blunham, Bedfordshire, carpenter, April 28 at 3, County Court of Bedfordshire, at Biggleswade.—*Henry Railton*, Brighton, Sussex, tailor, April 8 at 10, County Court of Sussex, at Brighton.—*Richard Butcher*, Brighton, Sussex, corn dealer, April 8 at 10, County Court of Sussex, at Brighton.—*Wm. Nye*, Brighton, Sussex, greengrocer, April 8 at 10, County Court of Sussex, at Brighton.—*Joseph Bartlett*, Brighton, Sussex, plasterer, April 8 at 10, County Court of Sussex, at Brighton.—*Enoch Churm*, Wellington, Shropshire, shoemaker, April 21 at 10, County Court of Shropshire, at Wellington.—*Wm. Dagless*, South Shields, Durham, publican, April 27 at 10, County Court of Durham, at South Shields.—*Elizabeth Gowlend*, Claypath, Durham, innkeeper, April 24 at 10, County Court of Durham, at Durham.—*Isaac Griffiths*, Caedraw, Merthyr Tydfil, Glamorganshire, miner, April 13 at 10, County Court of Glamorganshire, at Merthyr Tydfil.—*John Jones*, Cwmback, Aberdare, Glamorganshire, shopkeeper, April 13 at 10, County Court of Glamorganshire, at Merthyr Tydfil.

*Saturday, April 1.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portingale-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Townsend I. W. Bowen*, Camrose, Pembrokeshire, attorney-at-law, No. 32,608 C.; *Thomas Nicholas*, assignee.—*B. T. Smith*, Bristol, hair dresser, No. 42,629 C.; *John Sweet*, assignee.—*James Garry*, Back Bondgate, Bishop Auckland, Durham, shoemaker, No. 77,544 C.; *Alfred C. Birchall*, assignee.

*Saturday, April 1.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*  
(On their own Petitions).

*Thomas F. P. Thompson*, Upper Stamford-street, Blackfriars-road, Surrey, out of business: in the Debtors Prison for London and Middlesex.—*J. Wallace*, Hay's-mews, Berkeley-square, Middlesex, groom: in the Debtors Prison for London and Middlesex.—*Frederick Blagney*, Argyle-street, New-road, Middlesex, accountant: in the Debtors Prison for London and Middlesex.—*Joseph Page*, Weymouth-place, New Kent-road, Surrey, general agent: in the Gaol of Surrey.—*Henry Dis*, Commercial-road, Lambeth, Surrey, stuff agent: in the Queen's Prison.—*John Tench*, Black's-road, Bridge-road, Hammersmith, Middlesex, engineer: in the Debtors Prison for London and Middlesex.—*George Wiggleworth*, Friendly-place, Old Kent-road, Surrey, tobacconist: in the Queen's Prison.—*Thomas Banghan*, Catherine-street, Commercial-road East, Middlesex, cooper: in the Debtors Prison for London and Middlesex.—*Wm. D. Lovell*, White Lion-street, Clerkenwell, Middlesex, gold beater: in the Debtors Prison for London and Middlesex.—*Berndt Farding*, Jewry-street, Minorities, London, master mariner: in the Debtors Prison for London and Middlesex.—*John Stone*, Windmill-street, Middlesex, cheesemonger: in the Debtors Prison for London and Middlesex.—*Robert Andrews*, Angel-alley, Little

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*Sarah Ferrer*, Birmingham, out of business.

At the County Court of Sussex, at LEWES, April 18.

*Francis Bushby*, Worthing, builder.—*H. Putland*, Hove,

out of business.—*Alexander B. Henderson*, Lewes, out of business.

At the County Court of Devonshire, at EXETER, April 18 at 10.

*John T. Twells*, Exeter, out of business.—*John H. Drew*, Plymouth, master mariner.—*Wm. H. Dunford*, Heavitree, out of employment.

At the County Court of Staffordshire, at STAFFORD, April 19 at 11.

*John B. Smith*, Stoke-upon-Trent, attorney.—*John Gallagher*, Wolverhampton, licensed brewer.

At the County Court of Warwickshire, at COVENTRY, April 19 at 12.

*Joseph Foster*, Wolverhampton, out of business.

At the County Court of Kent, at DOVER, April 19 at 11.

*Felix Jarrett*, Hastings, builder.

At the County Court of Cumberland, at CARLISLE, April 24 at 10.

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LONDON, APRIL 15, 1854.

WE see with great pleasure, that in a bill which Lord Brougham is bringing forward for amending the practice of conveyancing, his Lordship proposes that the taxing of conveyancing charges, should be upon the quantum meruit rather than the length principle. We are also glad to see it stated by his Lordship that the Taxing Masters now look with approbation on that method of taxing. Beyond all question, more will be done by it towards shortening conveyances, than could be done by much more intricate devices. Lord Campbell suggested, and as we think very wisely, that if there were a high officer vested with sound discretion, who was to determine questions of this nature, it would be an unspeakable advantage. This, translated from the grandiloquent phraseology of Parliamentary style into plain English, means that the Taxing Master who is to tax in conveyancing business, should be a conveyancer of eminence, of great skill and experience; and

unquestionably he should be so. If Lord Brougham's bill passes, either a part of it should provide for the appointment of a new Taxing Master for taxing in all cases of conveyancing business, and such Taxing Master should be some conveyancing counsel of great experience, or it should provide for the appointment of such a Taxing Master on the first vacancy. Assuming the office of Taxing Master to remain what it is, and to be always filled by a gentleman who has acquired eminence in the general practice of a solicitor, we quite agree with the remarks that fell from both Lord Campbell and the Lord Chancellor, that the difficulty would be very great; that there would be great difficulty in determining the relative amount of the skill and ability in each particular instance; and that it would be a very delicate matter to express any judgment upon such a question. No doubt it would, if a gentleman, whose peculiar field of operations has been the conduct of causes and the transaction of conveyancing business as a solicitor, were to be called upon to estimate the amount of difficulty in business which, as solicitor, he never transacted, but always laid before conveyancing counsel, because it was their special business, and was not his. We have no hesitation in saying, that unless Lord Brougham's measure does bring with it an alteration as to the qualifications required in a conveyancing Taxing Master, it will not work; but if it does bring with it such an alteration, it will work perfectly.

We have so often in this journal urged the improvement on the notice of the Profession, that we shall not

go in detail again into the reasons in favour of it; but it may not be altogether useless to repeat, that to the Profession it is comparatively a matter of indifference. It is to the public that the change is the most important; to the Profession, we say, it is a matter comparatively of indifference. True, the conveyancing draftsman, whether counsel or solicitor, prepares many a draft—say, conditions of sale—for which, being difficult to draw, and necessarily, from the nature of the transaction, short, his remuneration is grossly inadequate. But then the next thing that comes before him is probably a common mortgage, or marriage settlement, which, being nearly all common form, gives scarcely any trouble, and produces a remuneration as much too great as that in the former case was too small. Taking, then, the average of drafts, and the same may be said of abstracts, the conveyancer reaps a fair remuneration for his toil; but then the operation on the unhappy public is this—that the man who gives his conveyancing solicitor or counsel scarcely any trouble at all, pays for the trouble given by another man who has not paid nearly enough; and that, we apprehend, is a system which, when once the public thoroughly understands, it will with great delight see abolished. The only real difficulty about working the system proposed (assuming the appointment of a first-class conveyancer as Taxing Master, without which, we repeat, it will be a dead letter) arises from the necessity which it will draw with it, as regards the business transacted by counsel, of counsel marking their own fees; because, of course, when a solicitor lays an abstract, or instructions for a draft, before counsel, he relieves himself from the labour of considering the case, and does not attempt to estimate its difficulty. Now, that is of no consequence if he is to pay counsel and charge his client with a fee measured by the number of pages read or written by the counsel; but if he is to pay him a fee measured by the difficulty, he must, of course, ask his counsel what the fee is to be, which, stripping the case of the mysterious and delicate intervention of the suggestion of counsel's clerks, amounts to conveyancing counsel marking their own fees. Now, this practice to some extent already obtains, but is far from general; is not much liked by conveyancing counsel; is affected to be considered as most inconvenient by all counsel not conveyancers; and is absolutely ignored at the height of the judgment-seat: so that there would be some difficulty in getting that part of the measure to work; and without it, of course, the whole thing would become a dead letter.

We apprehend, however, that after a time, and especially if the Taxing Master were really a master of his art, so that a conveyancer might reasonably submit himself to his judgment, conveyancing counsel will find such increased comfort and advantage from their fees being measured by the difficulty of the labour they have gone through, that they will in practice aid the working of Lord Brougham's act, should it pass into law.

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It is beyond doubt that the procedure and practice of the Court of Chancery have been very much improved within the last few years; but it is equally beyond doubt that much remains to be done to make it what it ought to be and may be. We speak on this with some degree of boldness and confidence, not only because we have paid great attention to the subject of Chancery reform for a considerable number of years, but because we have long laboured in a humble way, as contributors to the legal literature of the day, to assist in forwarding many of the views which more distinguished men have, after mature consideration, thought fit to be adopted in practice.

The first subject to which we will refer, because, in our opinion, it is, as regards procedure, the most important, and because it is one on which many very able and learned men entertain very strong doubts, is the mode of taking evidence in Chancery. At present there are three methods of taking evidence—by affidavit without any oral examination; by affidavit combined with oral cross-examination and re-examination; and by oral examination entirely.

The first method is common to the hearing of causes and of interlocutory applications. It may be used in its integrity either at the hearing or trial of a cause, or on any interlocutory application in the cause. The second and third methods can only be used for the hearing of a cause; they cannot be used at all, except by consent, on an interlocutory application. Now, we may observe, in passing, that this difference between the mode of hearing the cause, and hearing interlocutory proceedings in it, is objectionable. Eliciting the whole truth is quite as essential on motions as at the hearing of a cause; and whatever machinery is thought requisite for one, should be equally applicable—we do not say always applied, but equally applicable to the other. However, without stopping to discuss that point with any detail, we proceed to the principal objection, which appears to us to go to the entire mode of taking oral evidence in Chancery. On that part of the subject it seems to us that the perpetuation of examiners in Chancery, by the 15 & 16 Vict. c. 86, was a great mistake, and that the sooner the mistake is rectified the better. As a general rule, the principle of examining witnesses before one tribunal for the purpose of recording their evidence, and afterwards using it in a written state before another, is not sound, and leads to infinite expense and inconvenience; and wherever special circumstances do not exist to make it either impracticable, or so inconvenient as to be in effect impracticable, witnesses should be in Chancery, as at common law, examined orally in open court, at the trial, before the judges who try the case. To this rule there will of course be exceptions. We speak only of what should be the general rule.

That, for the purpose of eliciting the truth, oral examination, properly conducted, is superior to any kind of merely written examination, we shall not stop to argue; it has *always* been admitted to be so by all but Chancery lawyers; and the point was conceded by Chancery lawyers when they introduced it under the 15 & 16 Vict. c. 86. The only question is, how it is to be used.

Now, the way it is used in Chancery at present is this:—The witnesses are examined by counsel before the examiners in a private office, to which none are admitted but the witnesses and the solicitors and counsel. The examiner is furnished with a copy of the pleadings, which may or may not give him information of the case made on both sides, as now there may or may not be an answer. But assuming that the plead-



ings do inform the examiner of the nature of the case made by each side, his attention is not very vigorously drawn to it, because he is to decide nothing. He is to hear no argument either on the law or on the merits of the case. He is not even to *decide* what evidence is either material or relevant. So that everything that an act of Parliament *could* do to make him the listless listener—the examining machine, which the old Chancery examiner was—has been done, and he is armed with as little power as possible to check exuberant and irrelevant examination. The result is, as might have been anticipated, that immense quantities of irrelevant and improper evidence are taken down and recorded, and go to swell the bulk of the briefs on which the case is ultimately heard. The mere taking of all this evidence would be of no great consequence, beyond the expense incurred in the unnecessary prolongation of the examination, if it were not permanently recorded; but being permanently recorded, it plays the part of the old formal Chancery bills and answers and depositions, and makes heavy briefs, for the writing and the reading of which the suitor has to pay, although five-sixths of the matter written and to be read are generally absolutely useless. That is one serious objection to taking the evidence, as a general practice, before examiners.

The next objection to it is, that it deprives oral examination of that which all common lawyers agree, and which all ordinary observation shews, is the very essence of its value, viz. the effect on the sense of responsibility of the witness, by his subjection to an examination in public, and the effect on the judge, who is in possession of the case as it proceeds, and who has to decide it, of having the opportunity of observing the personal demeanour of the witness. The remedy seems at first simple enough, viz. to abolish altogether the preliminary examination in the examiner's office, and to have the witnesses in a Chancery cause, when examined orally at all, examined just on the same principle and in the same manner as they are on a trial at Nisi Prius.

It is said, however, that there are great difficulties in the way of adopting that course of procedure.

First, it is said that so much time would be taken up on trials, that they would never come to an end, unless at least half-a-dozen more Vice-Chancellors were created.

Secondly, it is said that the expense of bringing witnesses up to town, and keeping them in town, for causes originally in the country, and requiring country witnesses, would be frightful.

Thirdly, it is said that Chancery causes would not be tried with that decorum—with that steady and solemn deliberation, with which they are now tried, and without which, it is urged, satisfactory decisions could not be arrived at.

These are, we think, the principal objections; at least, we are not apprised of any other material objections.

Now, in answer to the first, we say this—

1. It is not at all clear that a *great deal* more time would be occupied in trials, taking them in the aggregate, than is now occupied; not that the taking of oral evidence, if no other is taken, would not occupy more time than the reading of selected portions of recorded evidence, but that when evidence is taken at once orally, it very frequently happens that a case breaks down, as it is technically called, by the sudden apparition of evidence damning to the one side or to the other, which evidence might never be elicited at all before an examiner, where the cause is not actually being tried; or to which, if elicited, counsel for the party damaged takes good care not to refer, so that sometimes it never makes its appearance at all, and at any rate frequently does not do so till the case has been half gone through.

2. If evidence in a Chancery cause were taken primarily (as it would probably almost always be if the matter were left to the parties) upon affidavit, and the witnesses only cross-examined and re-examined orally on their affidavits, the oral examination would be confined to the really material points, counsel being previously in possession of the general case on both sides; and the oral examination would not, in general, be lengthy.

3. Those who have had experience in Chancery causes know well that in them, in general, a very large portion of the case depends on both sides on documentary evidence, and that the examination of *numerous* witnesses is rarely necessary. We except, of course, interlocutory motions, where facts are in controversy, and cases of alleged fraud turning on the acts of the parties. But these do not constitute the principal part of Chancery proceedings. However, we will assume that more time, and considerably more time, would be occupied in court, and that two—perhaps three or four—additional judges might be required; what then? The business would be done in court, instead of out of court. Judges and their staff would have to be provided and paid by the public, instead of examiners and their staff. More time would be consumed *in court*, but there would be proportionably less time consumed by everybody *out of court*. Stationers would not have to be paid for copying again and again folios upon folios of irrelevant matter, nor would counsel and solicitors have to be paid for reading it. What would be expended in time and cost in useful labour in court, would be more than saved by excluding masses of utterly useless labour out of court; and the public would still be the gainers, even in point of expense. But even supposing greater expense to be thrown on the public—after all, it is not a question of mere pounds, shillings, and pence: it is a question how justice is most completely to be administered; and if it be proved that the truth would be better elicited in Chancery, as well as at common law, by examining witnesses orally *at the trial*, we should indeed deserve, and in its worst sense, the name of “a nation of shopkeepers,” if we hesitated at adopting the better system because it would cost a little more. We have departed from the barbarism of giving to our armies the old flint-lock muskets, instead of the modern improved firearms; let us not be less wise in our generation in reference to the arming of our Courts of equity with the species of artillery which they require.

We pass now to the second objection.

That is an objection dependent upon special external circumstances. Ex concessis, it applies only to country causes, and it presents really but little difficulty, notwithstanding its apparent plausibility. If, in any cause, there are witnesses to be brought from the country, the bringing and retaining of whom in town till the trial, would cause great expense, it only comes to this—that the parties must, by the force of circumstances, over which no system of procedure can be perfect enough to exercise an absolute control, elect whether they will adopt the more perfect method of taking evidence, with its concomitant evil, expense, or whether they will rather forego it for the sake of economy, and adopt the less perfect method. Either party should in such a case be at liberty to have a special examiner to examine his country witnesses; and the other party should be at liberty either to cross-examine them before the examiner, or, if he prefers it, to bring them to town at his own expense, to cross-examine them at the trial. By such a simple arrangement would that objection be removed. It resolves itself, in effect, into this—that the benefit of oral examination in court could not conveniently be adopted for a certain class of cases. Be it so; and let that class of cases be

exceptional, and exempted wholly or partially from its operation.

We come now to the third objection, which is like the second, much more plausible than substantial.

It really proceeds on a false assumption, viz. that causes are heard with any very extraordinary degree of solemnity and deliberation in Chancery, as compared with trials at Nisi Prius. How equity causes were heard tempore Hardwicke, tradition saith not; how they were heard tempore Eldon, we are not old enough to remember—possibly they were then heard with very great solemnity; with a deliberation productive of anything but satisfaction they certainly were heard, if we are to believe the biographers of that great but over-cunctative judge. But at this day, under the system administered for the last fifteen years, the hearing of equity causes has certainly not been marked with any solemnity or deliberation not to be seen in every superior court of justice in cases of like importance. We do not mean to say that a cause turning on the construction of a difficult will, or a case of specific performance involving abstruse questions of title, or a case involving the setting aside important deeds for fraud or undue pressure, &c., are not heard in Chancery with more of solemnity and deliberation than are to be seen at Nisi Prius in a running-down case, or a case of breach of promise of marriage, in bucolic localities, between a disconsolate serving damsel of twenty-two, and a mature but substantial farmer of fifty. But we say that any one who has attended a Nisi Prius trial on serious and important commercial questions, or on any questions, whether turning on commercial or personal rights, as serious as those which form the staple of Chancery causes, will not have found any great difference between the deliberation with which a trial at Nisi Prius is conducted, and that which is to be seen on the hearing of a modern equity cause. In truth, the deliberation—the care—with which a trial of any kind is conducted, depends, not so much on the mode of procedure, as on the character of the cause and of the tribunal. It is not because evidence is taken orally at the trial, that so many Nisi Prius trials are hurried through with apparent haste and want of deliberation, but because in so many Nisi Prius trials the subject-matter is such as to require very little deliberation. Let the subject be one of grave and difficult character, and the trial at Nisi Prius ceases to be hasty. So, in equity, there is little room to fear that the introduction of oral evidence would have the effect of the causes being heard with less care and deliberation than they now are, while the subjects remain as serious and as difficult as they now are.

We have now stated our reasons for the introduction of a different mode of taking the evidence in equity, and the answers which appear to us to meet the objections usually suggested. It remains only, on this branch of the subject, to say what practical mode of proceeding we should recommend; otherwise we should be obnoxious to the ordinary observation, that it is easier to find a general fault than suggest a specific remedy.

What we recommend, then, is this—

1. That parties to a Chancery suit should be at liberty to go into evidence, in the first instance, either on an interlocutory application, or for the hearing of the cause, as they now do on interlocutory applications—that is, upon affidavits, original, in reply, in counter reply, &c.; that every party should be at liberty at the hearing of either an interlocutory application, or at the hearing of the cause, (without any application to the judge being necessary), to cross-examine orally any of his opponent's witnesses, the opponent, of course, having a right orally to examine.

2. That no party should be obliged to commence by affidavit either on an interlocutory application or at

the hearing, but should have a right, if he thinks fit, to commence at once by oral examination of his witnesses in court, subject, of course, to cross-examination and re-examination.

3. That the examiners' offices should be abolished, and that there should be no such thing as preliminary oral examination, except in cases where the witness, by reason of illness, great distance, great age, or the like, cannot be brought up for the trial; and that in such cases only special examiners should be appointed to take the evidence, as is now done.

Before quitting the subject of evidence, we may observe, although the subject does not strictly relate to equity proceeding, that it is a great defect in the existing practice under the law of patents, that the Attorney and Solicitor General have no power to administer an oath on hearing an opposition to the grant of a patent, and that consequently such business (which is always of the most litigious character, and mostly involves as great an amount of contradictory evidence as the most intense running-down case) has to be heard on affidavits alone; or, what is still worse, the oral examination of the parties and their witnesses without oath. The law officers, (and the Lord Chancellor on appeals from them), upon oppositions to the grant of patents, ought to have power to administer an oath, so that parties and witnesses might be examined orally in such cases. They really are trials, and very serious trials, of very difficult questions, involving very important rights.

## Court Papers.

### EQUITY CAUSE LISTS, EASTER TERM, 1854.

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied.—A. Abated—Adj. Adjudged—A. T. After Term—Ap. Appeal—C. D. Cause Day—Cl. Claim—C. Costs—D. Demurrer—E. Exceptions—F. D. Further Directions—M. Motion—P. C. Pro Confesso—Pl. Plea—Ptn. Petition—R. Re hearing—S. O. Stand Over—Sh. Short.

### Court of Chancery.

Before the LORD CHANCELLOR.

Attorney-General v. Chambers } (F D)  
Attorney-General v. Rees }

Before the LORDS JUSTICES.

APPEALS, &c.	Saunders v. Richardson
Letts v. London Corn Exchange Co. (Part heard)	Gann v. Gregory
Hope v. Threlfall (Part heard)	Byass v. Gates
April 24	Coppard v. Byass }
Robinson v. Lowater	Briggs v. Lord Oxford }
Vincent v. Godson	Briggs v. Lady Oxford }
Crompton v. Huber April 22	Atchison v. Le Mann
M'Cormick v. Garnett (3 tits.)	Winterbottom v. Tysloe
	Waters v. Leonard.

Before the Right Hon. the MASTER OF THE ROLLS.

CAUSES, &c.

Wilson v. Harley (Part heard)	Sparks v. Restal (Cause)
Kempson v. Kempson (Further consideration)	Attorney-Gen. v. Draper Co. (F D, C)
Clack v. Holland (Cause)	Bentley v. Craven (Further consideration)
Barrow v. Barrow (Cause)	Daniel v. Knight (3 titles, F D, C)
Lambrade v. Older (Further consideration)	Infant Orphan Asylum v. Anderson (Special case)
Baker v. Read } (Cause)	Rees v. Gwynne (Cause)
Baker v. Clement }	Pollard v. Pollard } (CI)
Allden v. Stamps (M for dec.)	Pollard v. Pollard }
Fenn v. Death (Cause)	Eberhardt v. Roberts (CI)
Rooth v. Tomlinson } (E, F D, C)	
Same v. Same }	

Clegg v. Duncraft (Cl)  
 Phillips v. Lewis (Cause)  
 Collman v. Birch (Cause)  
 Graham v. Clift (Cause)  
 Browne v. Spiller (M for dec.)  
 Greenwood v. Horton (Cl)  
 Rowland v. Brewer (M for decree)  
 Kerswill v. Dingle (Cause)  
 Batt v. Binks (M for decree)  
 Reynolds v. Kortright (Cause)  
 Att.-Gen. v. Dove (Cause)  
 Att.-Gen. v. Bartlett (Cause)  
 Att.-Gen. v. Brooke (6 titles, Cause)  
 Stevenson v. Gullan (Sp. case)  
 Thomas v. Walker (M for decree)  
 Shepherd v. Shepherd (M for decree)  
 Shrimpton v. Lait (M for decree)  
 Livesey v. Livesey (M for dec.)  
 Parker v. Johnson (Cause)  
 Richardson v. Bulwer (M for decree)  
 Caldecott v. Caldecott (Further consideration)  
 Reade v. Steer (F D, C)  
 O'Brien v. Oxenford (Further consideration)  
 Webster v. Boddington (Cau.)  
 Clarke v. Mansfield (M for decree)  
 Rennie v. Rennie (M for dec.)  
 Hewitt v. George (M for dec.)  
 Baron Londesborough v. Somerville (Special case)  
 Whistler v. Smith } (Cause)  
 Same v. Same }  
 Turner v. Templer (Further consideration)  
 Gorbell v. Davison (Orig. Cl)  
 Same v. Forrest (Sup. Cl) }  
 Walker v. Mower } (Further consideration)  
 Same v. Small } consider.

*Before Vice-Chancellor Sir RICHARD T. KINDERSLEY.*

CAUSES, &c.

Carter v. Senders (Part heard)  
 Great Western Railway Co. v. Oxford, &c. Railway Co. (Part heard)  
 Waugh v. Hignett (M for dec.)  
 Hodson v. Micklethwait (Further consideration)  
 Johnstone v. Bleakey (Cl)  
 Cannon v. Deed (Cause)  
 Major v. Major (5 titles, F D, C)  
 Parker v. Sowerby (Further consideration)  
 Langton v. Burton (F D, C)  
 Thompson v. Carnell (3 titles, F D, C)  
 Harley v. Moon (Cause)  
 Baroness Louth v. Doyle } (F D, C)  
 Same v. Plunkett }  
 Pearce v. Peck (Cl)  
 Way v. Way (Cause)  
 Vaughan v. Vanderstegan (4 titles, reserved by order)  
 Davis v. Chanter } (Cause)  
 Davis v. Plymell }  
 Lord v. Colvin (Cause)  
 Ramsden v. Smith (Cause)  
 Bourne v. Hassell (6 titles, F D, C)

In re Todd } (Further consideration)  
 Shand v. Kidd }  
 Byam v. Sutton (M for decree)  
 Bamford v. Moualely (Cause)  
 Christian v. Christian (Cl)  
 Heath v. Lewis (Cause)  
 Fetherstone v. Dugdale (Cau.)  
 SA  
 Clayton v. Clayton (Cl)  
 Singleton v. Stiles (Cl)  
 Digby v. Jackson (Cl)  
 Murray v. Parker (M for dec.)  
 Yorke v. Sturgis (Cause)  
 Attorney-Gen. v. Lord Carew (Cause)  
 Attorney-Gen. v. Robertes (F D, C)  
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 Attorney-Gen. v. Earl Waldegrave (Cause)  
 Richards v. Curlewis (M for decree)  
 Tierney v. Wood (Cause)  
 Slater v. Slater } (F D, C)  
 Same v. Hull }  
 Coleman v. Croson (Cause) SA  
 Stott v. Reece } (Cl)  
 Same v. Same }  
 Ludlam v. Chalkley (Cl)  
 Gerry v. Wakefield (Further consideration)  
 Fletcher v. Wilesworth (F D, C)  
 Henning v. Impey (Cl)  
 Morris v. Morris (F D, C)  
 Cutfield v. Richards (Cause)  
 SA  
 Leigh v. Taylor (Cause)  
 Watson v. Knight (Cause)  
 Symes v. Murray (Cl)  
 Jose v. Vincent (Cl)  
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 Eaton v. Joy (Cause)  
 Morris v. Owens (E)  
 Laxton v. Kedle (Further con.)

Cox v. Taylor } (F D, C)  
 Cox v. Morgan }  
 Fryers v. Rogers (Cause)  
 Rogers v. Fryer (Cause)

Webb v. Webb (M for decree)  
 Cannock v. Jauncey (Cause)  
 Austin v. Crockford (F D, C).

*Before Vice-Chancellor Sir J. STUART.*

PLEAS, DEMURRERS, CAUSES, &c.

Lockhart v. Reilly (F D, C)  
 Hope v. Hope (F D, C)  
 Bristowe v. Hunt (Cause)  
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Jones v. Williams (F D, C)  
 Sandford v. Sanders (Cause)  
 Palmer v. Longland (Cause)  
 Hood v. Parker (Cl)  
 M'Leod v. Mathison (F D, C)  
 Norton v. Hanson (Cause, Ptn)

Foster v. Parkes (F D, C, on equity reserved)  
 Walker v. Hunter (Cl, pt. hd.)  
 Sayre v. Cramp (Cause)  
 Newhouse v. Smith (Cause)  
 Urwick v. Hart (Cl)  
 Freeland v. Stanfield (Cause)  
 Johns v. Tilley (Cl)  
 Smith v. Angier (Cause)  
 Hichens v. Kelly (Cause)  
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Cook v. Sturgis (Cl, Ptn)  
 Moss v. Harter (Ca.) April 25  
 Archer v. Lambert (M for decree)

Hurtable v. Newton (Cause)  
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Ashling v. Baker (F D, C) SA  
 Taylor v. Taylor (Cause)  
 Lazonby v. Rawson (Cause)  
 Ashley v. Hancock (Cause)  
 Warren v. Thomas (Cause)  
 Tottenham v. Emmet (Cause)  
 Hems v. Shrimpton (Cl)  
 Hobson v. Everatt (7 titles, F D, C)

Gage v. Gage (Cause)  
 Monypenny v. Monypenny (Cl)

Ellis v. Ellis } (F D, C) 2nd  
 Same v. Lee } C D in term  
 Goldsmith v. Russell (Cause)  
 Hunter v. Nockolds (Cau.) }  
 Vincent v. Hunter (F D, C) }  
 Batley v. Kitson (Cl)

Windett v. Humphrey (Cause)  
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Rogers v. Jones (F D, C)  
 Meaher v. Lane (Cause)  
 Cooke v. Wagster (M for dec.)  
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 Dewhurst v. Fillingham (M for decree)

Paxon v. Paxon (Further consideration)

Lankoster v. Fidkin (Cause)  
 Bolton v. Wordsworth (Further consideration) SA  
 Blackman v. Light (F D, C)  
 Taylor v. Taylor (Further consideration) SA

Warner v. Shand (Cause)  
 Waddington v. Howell (Cause)  
 Dawson v. Jay (M for decree)  
 Hedley v. Innes (Cl)  
 Brown v. Mott (Cl)

Marley v. Spencer (M for dec.)  
 Northcote v. Jones (M for decree) SA

Blann v. Bell (3 tits., F D, C)  
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Chambers v. White (4 titles, F D, C)

Bonham v. Smith (Cl) SA  
 Lovegrove v. Cooper (F D, C)  
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Chick v. Blackmore (3 titles, F D, C)

Twiss v. Inglis (Further consideration) SA

Eads v. Williams (Cause)  
 Lewis v. Davis (Further consideration)

Dixon v. Pyner (F D, C)  
 Byers v. Dickenson (F D, C)  
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Fallows v. Viscount Dillon (F D, C)

Ross v. Ibbotson (M for dec.)  
 Attorney-Gen. v. Corporation of East Retford (3 titles, F D, C)

King v. Rees (3 tits., F D, C)  
 Curson v. Rix (F D, C)

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Curwen v. Alexander (Cause) SA

Dixon v. Cooke (F D, C)

Cox v. Taylor } (F D, C)  
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Beavan v. Lord Oxford (3 titles, Cause)

King v. Isaacson (4 titles, Further consideration)

Reilly v. Lockhart (Cause)  
 Strugnell v. Crouch (F D, C).

*Before Vice-Chancellor Sir W. P. WOOD.*

PLEAS, DEMURRERS, CAUSES, &c.

Ferry v. Turpin (E)  
 Chadwick v. Chadwick (D)  
 Adams v. Scott (D)  
 Same v. Same (D)  
 Dalrymple v. Hannah (Cl)  
 Smythies v. Round (M for decree)  
 Lloyd v. Wilkes (Cl)

Wainman v. Field (M for decree, Part heard)

Alabaster v. Silverthorne } (M for decree)

Same v. Rolfe } 1st C D

Thornton v. Kempson (E, F D, C)  
 West v. Moon (Cl)

**Jackson v. Roberts (Cl) 1st C D**  
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**Thompson v. Demaid (M for decree)**  
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**Leeming v. Lee }**  
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**Dixon v. Alcock (M for dec.)**  
**Williams v. Williams (M for decree)**  
**Vincent v. Griffiths (M for decree)**  
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**Kippen v. Marchant (Cause)**  
**Clive v. Clive (Special case)**  
**Smith v. Smith (M for decree)**  
**Cummins v. Bromfield (Cl)**  
**Clifford v. Clifford (Further consideration)**  
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**Schroder v. Schroder (Sp. ca.)**  
**Hitchcock v. Carew (Cause)**  
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**Mitchell v. M<sup>r</sup> Isaac (M for decree)**  
**Mountain v. Young (Cl)**  
**Baker v. Trenfield (M for dec.)**  
**Stedman v. Hart (M for dec.)**  
**Wire v. Pemberton (M for decree)**  
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**Mann v. Fuller } (F D, C)**  
**Same v. Ranby }**  
**Sykes v. Brandt (Cause)**  
**Armstrong v. Tweddell (Cl)**  
**Ridgway v. Sneyd (Cause)**  
**Gwatkin v. Campbell (Cause)**  
**Perkin v. Mann (Cause) SA**  
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**Edge v. Silver (M for decree, M) 1st C D**  
**Titley v. Titley (M for dec.)**  
**Ludlow v. Stevenson (Further consideration)**  
**Ashton v. Savage (Cause)**  
**Stokes v. Morris (Cl)**  
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**Dent v. Dent (Cl)**  
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**Dixon v. Walker (Cl)**  
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**Hoskins v. Matthews (Cause)**  
**Wooliams v. Nisbett (M for decree)**  
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**Coles v. Foster (Further con.)**  
**In re Carmichael } (Further consideration)**  
**Hudson v. Carmichael } their con. from Chambers**  
**Avery v. Langford (Cause)**  
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**Martin v. Wellstead (Cause)**  
**Nash v. Allen (Further con.)**  
**Fleming v. East (Further con.)**  
**Black v. Venning (M for de.)**  
**Pratt v. Rumball (Cl)**  
**Smith v. Pavier (Cause)**  
**Vale v. Meredith (Cause)**  
**Jebb v. Baugh (Cl)**  
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**Fox v. Harding (Further con.)**  
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**Burton v. Sturgis (Further consideration)**  
**Brown v. Spurrell (Cl)**  
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**Hall v. Jordan (M for decree)**  
**Gillingham v. Baker (Cause)**  
**Stuart v. Todd (Cause)**  
**Pearson v. Wilcox (Further consideration)**  
**Kendall v. Bittleston (Ca.) SA**  
**Pieton v. Beets (Cause)**  
**Young v. Lee (Further con.)**  
**Tracey v. Laurence (M for decree)**  
**Robertson v. Scott (Cl)**  
**Forsyth v. Elliot } (F D, C, & Same v. Same } rem. E)**  
**Cliffe v. Cliffe (M for de.) SA**  
**Dyer v. Dyer (Cl)**  
**Walters v. The Northern Coal Mining Co. (Cause)**  
**Phillips v. Powell (M for de.)**  
**Thompson v. Beasley (Cl)**  
**Dewell v. Tufnell (Cause).**

term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

### Court of Common Pleas.

*In Term.*

<b>MIDDLESEX.</b>	<b>LONDON.</b>
Saturday ..... April 22	Wednesday ..... April 26
Saturday ..... 29	Wednesday ..... May 3

*After Term.*

Friday ..... May 12 | Tuesday ..... May 16

The Court will sit during and after term at ten o'clock.  
 The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

### Exchequer of Pleas.

*In Term.*

<b>MIDDLESEX.</b>	<b>LONDON.</b>
1st sitting, Thurs., April 20	1st sitting, Wedn., April 26
2nd sitting, Thursday .... 27	2nd sitting, Wednesd., May 3
3rd sitting, Thursday, May 4	

*After Term.*

Friday ..... May 12 | Wednesday ..... May 17

On and after Tuesday, April 18, the EXCHEQUER ASSOCIATE'S OFFICE will be open during term, and the sittings after term, from eleven o'clock A.M. to five o'clock P.M., instead of as heretofore.

The Court will sit during and after term at ten o'clock.

### COMMON-LAW CAUSE LISTS, EASTER TERM, 1854.

#### Court of Queen's Bench.

##### NEW TRIALS

REMAINING UNDETERMINED AT THE END OF THE SITTINGS AFTER HILARY TERM, 1854.

<b>FOR ARGUMENT.</b>	<b>Midd.—Dowdell v. Australian Royal Mail Steam Navigation Co.</b>
<b>MICH. TERM, 1853.</b>	<b>Lond.—Nicoll v. Oliver</b>
<b>Midd.—Bellamy v. Morrett</b>	<b>" Hill v. Oliver</b>
<b>Liv'pool—Greenfield v. Sykes</b>	<b>" Brodie v. Oliver</b>
<b>" Jeffreys v. Hudson</b>	<b>" Abrassart v. Moysey</b>
<b>Midd.—Stoessiger v. South-eastern Railway Co.</b>	<b>" Tomlin v. Garrett</b>
<b>" Hampstead v. Baker</b>	<b>" Butcher v. Price</b>
<b>HILARY TERM, 1854.</b>	<b>Tried during Term.</b>
<b>Midd.—Dowell v. General Steam Navigation Co.</b>	<b>Midd.—Billington v. Thomas</b>
	<b>Lond.—Salmon v. Horwitz.</b>

#### SPECIAL CASES, DEMURRERS, AND COUNTY COURT APPEAL,

FOR EASTER TERM, 1854.

Those marked thus \* are Special Cases, and thus † Demurrers.

<b>FOR JUDGMENT.</b>	<b>*Gurney &amp; ors. v. Behrend</b>
<b>*Westbrook v. Blythe</b>	<b>*Lewis v. Ricketts</b>
	<b>*Williams v. Lewis</b>
<b>FOR ARGUMENT.</b>	<b>*Williams v. Lewis</b>
<b>†Badeley v. Vigers</b>	<b>Reynal v. Cox (Special Verd.)</b>
<b>†Owens v. Wynne &amp; an.</b>	<b>*Sillem &amp; ors. v. Thornton</b>
<b>†Hughes v. Wynne &amp; an.</b>	<b>*Lucas v. Bower</b>
<b>†Jones v. Wynne &amp; an.</b>	<b>*Farnell v. Warren</b>
<b>†R. Roberts v. Wynne &amp; an.</b>	<b>†Samuel v. Spencer</b>
<b>†E. Roberts v. Wynne &amp; an.</b>	<b>*Trustees of River Lee v. Governor and Co. of New River</b>
<b>†Rottesham v. Pott &amp; ors.</b>	<b>†Tapping v. Waterhouse</b>
<b>Wilnot v. Rose (Appeal from Derby County Court)</b>	<b>†Fagg v. Nudd</b>
<b>†Andrews v. Butler</b>	<b>†Clossmann v. Lacoste &amp; an.</b>
<b>†Richards v. Blairs</b>	<b>†Whitmore v. Owen</b>
<b>†Pearson v. Bean</b>	<b>†M<sup>r</sup> Gildowny v. Gregory</b>
<b>*O'Toole v. Browne</b>	<b>*Burchfield v. Moore</b>
<b>*Crouch v. London &amp; North-western Railway Co.</b>	<b>*Meacher v. Trustees for Paving St. Luke's Parish.</b>
<b>*Hastings &amp; an. v. Earl Howe</b>	

### COMMON-LAW SITTINGS, IN AND AFTER EASTER TERM, 1854.

#### Court of Queen's Bench.

*In Term.*

<b>MIDDLESEX.</b>	<b>LONDON.</b>
1st sitting .. Thurs., April 20	1st sitting .. Wedn., April 26
2nd sitting .. Thursday ... 27	2nd sitting .. Wednes., May 3
3rd sitting .. Monday ... May 8	

For undefended causes only.

*After Term.*

Friday ..... May 12 | Tuesday ..... May 16

The Court will sit at ten o'clock every day.

The causes in the list for each of the above sitting days in

## ENLARGED RULES

FOR EASTER TERM, 1854.

Those marked thus \* are to be heard in the Hall Court.

## First Day.

\*In re Wickens  
Brown v. Mason  
In re Dawson  
Dawson v. Williams

Holland v. Fox  
\*Bray v. Wall & ors.  
\*Edwards v. Davies  
\*Reg. v. Ward  
\*Same v. Surveyors of the  
Highways of Tryddyn.

## CROWN PAPER, EASTER TERM, 1854.

Anglesea..... Reg. v. Lewis.  
Glamorganshire..... Same.  
Cornwall..... On the Prosecution of Churchwardens,  
&c. of Wendron.  
Radnorshire .. Inhabitants of Bucknell.  
Yorkshire..... Williams.  
Hampshire..... Jacques.  
Sussex..... Inhabts. of the Parish of Lurgashall.  
Devonshire... Inhabitants of East Stonehouse.  
London..... Wing.  
Yorkshire..... Overseers of Mansergh, Westmore-  
land.  
Durham..... Trustees of the South Shields Turn-  
pike Roads.  
Middlesex..... Inhabitants of St. Giles-in-the-Fields.  
Lincolnshire.. Inhabitants of Mablethorp.

## Court of Common Pleas.

## NEW TRIALS.

Midd.—Andrews v. Stapleton | Lond.—Fisher v. Wallen, jun.  
,, Allsop v. Brittain | ,, Edie v. Kingsford.

## ENLARGED RULES.

## First Day.

Dawson v. Williams

## Second Day.

Peterson v. Ayre

## Generally.

Dalby v. India and London Life Assurance Co.

## DEMURRER PAPER.

Wednesday, April 26.

Sweeting v. Darther (Special case)  
York, Newcastle, and Berwick Railway Co. v. Crisp & an.  
(County Court Appeal).

## CUR. ADV. VULT.

Elsam v. Denny

Lewis v. Clifton.

## Court of Exchequer.

## SITTINGS—EASTER TERM, 1854.

Days in Term.	Banc.	Nisi Prius.
Wednesday, April 19	.....	.....
Thursday..... 20	Errors.	Midd. 1st Sitting.
Friday..... 21	.....	.....
Saturday..... 22	.....	.....
Monday..... 24	Special Paper.	.....
Tuesday..... 25	.....	.....
Wednesday..... 26	Special Paper.	Lond. 1st Sitting.
Thursday..... 27	.....	Midd. 2nd Sitting.
Friday..... 28	.....	.....
Saturday..... 29	Crown Cases.	.....
Monday..... May 1	Special Paper.	.....
Tuesday..... 2	.....	.....
Wednesday..... 3	Special Paper.	Lond. 2nd Sitting.
Thursday..... 4	.....	Midd. 3rd Sitting.
Friday..... 5	.....	.....
Saturday..... 6	.....	.....
Monday..... 8	.....	.....
Tuesday..... 9	.....	.....
Wednesday..... 10	.....	.....
Thursday..... 11	.....	.....

## NEW TRIALS.

## FOR JUDGMENT.

Moved Easter Term, 1853.  
Lond.—Lawes v. Bachelor  
,, Same v. Same.

## FOR ARGUMENT.

Moved Mich. Term, 1853.  
Chelmsford—Lake v. Plaxton  
Notts.—Dawes v. Moss  
,, Reeve v. Dawes }  
,, Reeve v. Reeve }  
(Standg. over for arrangement)  
Moved Hilary Term, 1854.  
Midd.—Morewood v. Tupper

Midd.—Harmsworth v. Sar-  
gent

Lond.—Hunter v. Milne  
,, Polley v. Wright  
,, Evans v. Elsam  
,, Gerry v. Morris  
,, Watson v. Spratley

Moved after the 4th Day of  
Hilary Term, 1854.

Midd.—Job v. Johnson  
,, Alham v. Boulton  
,, Bodger v. Arch  
Lond.—Rawlings v. Chandler  
,, Creed v. Rigby.

## SPECIAL PAPER.

## FOR ARGUMENT.

Jones v. Giles (Heard Jan. 12 and 13).

COMMISSIONERS TO ADMINISTER OATHS  
IN CHANCERY.

The Lord Chancellor, under the powers of the 16 & 17 Vict. c. 78, intituled "An Act relating to the Appointment of Persons to administer Oaths in Chancery, and to Affidavits made for Purposes connected with Registration," has appointed the following gentlemen to be Commissioners for administering Oaths in Chancery:—

## To be a London Commissioner.

Edward Futvoys, 23, John-street, Bedford-row.

## To be Commissioners in England.

William Holt, Great Yarmouth, Norfolk.  
William Roberts the younger, Coleford, Gloucestershire.  
John Endell Powles, Monmouth.  
William Henry Bedford Tomlinson, Wakefield, York-  
shire.  
Henry Minett, Ross, Herefordshire.

## London Gazettes.

## FRIDAY, APRIL 7.

## BANKRUPTS.

THOMAS NICOLLS VOSPER, Launceston, Cornwall, draper, dealer and chapman, April 20 at 12, and May 25 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Ashurst & Son, Old Jewry.—Petition filed April 3.  
CHARLES BUTTON, Holborn Bars, London, operative and manufacturing chemist, and importer of chemical apparatus, dealer and chapman, April 22 at 11, and May 19 at half-past 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Spyer & Son, 30, Broad-street-buildings.—Petition filed April 5.  
GEORGE BATTCOCK, Brighton, Sussex, apothecary, dealer and chapman, April 24 at 2, and May 25 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Jones, 9, Quality-court, Chancery-lane, London.—Petition filed April 3.  
JOHN TIPPLE, Norwich, tailor, draper, dealer and chapman, April 24 at 12, and May 25 at 11, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Mardon & Frichard, Christchurch-chambers, 99, Newgate-street, London.—Petition filed March 27.  
MICHAEL BALLARD LEE, Brighton, Sussex, jeweller, dealer and chapman, April 15 and May 20 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Kennett, Brighton; Sowton, 6, Great James-street, Bedford-row.—Petition dated Feb. 20.  
ARCHIBALD VICKERS, Disley, Cheshire, cotton spinner, April 24 and May 22 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sol. Blair, Manchester.—Petition filed April 4.

**GEORGE JARRETT**, Wickham Welford, Berkshire, builder and grocer, April 15 and May 20 at half-past 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Graham & Lyle, Mitre-court-chambers, Temple.—Petition dated March 27.

**DANIEL FREDERICK FORD**, Grosvenor-place, Commercial-road East, Middlesex, draper, dealer and chapman, April 25 at 2, and May 15 at half-past 2, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Ashurst & Son, 6, Old Jewry, London.—Petition filed April 4.

**JAMES GUMMERY**, Kidderminster, Worcestershire, druggist and grocer, April 22 and May 15 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Saunders & Son, Kidderminster; Motteram & Knight, Birmingham.—Petition dated April 5.

**EDMUND WHITTENBURY ROBINSON**, Liverpool, cotton broker, (carrying on business under the firm of Joseph Robinson & Son), April 20 and May 11 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Lowndes & Co., Liverpool.—Petition filed March 30.

**WILLIAM MICHAEL PENISTON**, Yetminster, Dorsetshire, railway contractor, dealer and chapman, April 20 and May 11 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Stogdon, Exeter; Messrs. Linklater, Sise-lane, London.—Petition filed April 5.

**SAMUEL SHARP and WILLIAM LEAF MIDDLETON**, Leeds, Yorkshire, printers, lithographers, and stone merchants, April 25 at 11, and May 30 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Payne & Co., Leeds.—Petition dated April 6.

**THOMAS FLINTOFF**, Newcastle-upon-Tyne, Northumberland, commission agent and mustard manufacturer, dealer and chapman, April 11 at 12, and May 23 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Hodge & Harle, Newcastle-upon-Tyne; Toulmin, Liverpool.—Petition filed March 24.

#### MEETINGS.

*Benjamin Miller*, Landport, Portsea, Southampton, mercer, May 2 at 12, Court of Bankruptcy, London, aud. ac. and div.—*H. E. Wethered*, Churton-st., Pimlico, Middlesex, linen-draper, May 2 at half-past 11, Court of Bankruptcy, London, aud. ac. and div.—*R. Cleasby*, Eccles, Lancashire, builder, April 21 at 12, District Court of Bankruptcy, Manchester, aud. ac.; April 28 at 12, div.—*George Pearson*, Birkenhead, Cheshire, grocer, April 19 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Thomas Clulbe*, Chester, ale and porter brewer, April 20 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*John Mansfield*, Lyme Regis, Dorsetshire, ship builder, April 25 at 1, District Court of Bankruptcy, Exeter, aud. ac.; May 10 at 1, div.—*John August* and *William August*, Norwich, builders, April 28 at half-past 11, Court of Bankruptcy, London, div.—*Edmund Spettigue* and *George Farrance*, Chancery-lane, Middlesex, booksellers, April 28 at half-past 12, Court of Bankruptcy, London, div.—*John Smith* and *James Smith*, Brighton, Sussex, and King-street, Snow-hill, London, stationers, April 28 at half-past 11, Court of Bankruptcy, London, div.—*Thomas Pye*, Manor-street, Chelsea, Middlesex, sawyer, April 28 at 12, Court of Bankruptcy, London, div.—*Thos. Nixon Kerr*, Biggleswade, and Holme Mills, South-hill, Bedfordshire, miller, April 28 at 12, Court of Bankruptcy, London, div.—*John Robert Taylor*, Chancery-lane; Red Lion-square; and Cannon-row, Westminster, Middlesex, stationer, April 29 at half-past 12, Court of Bankruptcy, London, div.—*Wm. James Buck*, Shrubland Cottages, Queen's-row, Dalston, Middlesex, dealer and chapman, May 1 at 1, Court of Bankruptcy, London, div.—*Ann Crawford*, Warden, Northumberland, paper manufacturer, April 28 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, first and fin. div.—*Hodgson Lewis* and *James Hervey*, Halifax, Yorkshire, spirit merchants, April 28 at 11, District Court of Bankruptcy, Leeds, div. joint est. and sep. ests.—*Anthony W. J. Cawalter*, Attercliffe, near Sheffield, Yorkshire, sugar refiner, April 29 at 10, District Court of Bankruptcy, Sheffield, div.—*John Clifford Cullen*, Bromyard, Herefordshire, grocer, April 29 at 10, District Court of Bankruptcy, Birmingham, aud. ac.; May 1 at 10, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Henry Erskine Wethered*, Churton-st., Pimlico, Middle-

sex, linendraper, May 2 at half-past 11, Court of Bankruptcy, London.—*Larrell D. Shields*, Lime-st., London, merchant, April 29 at half-past 11, Court of Bankruptcy, London.—*Henry Bressan*, Old Fish-st.-hill, London, importer of foreign glass, May 1 at half-past 1, Court of Bankruptcy, London.—*Henry Holman Wood*, Bognor, Sussex, victualler, April 28 at half-past 1, Court of Bankruptcy, London.—*John Benett*, Manchester, licensed victualler, April 28 at 12, District Court of Bankruptcy, Manchester.—*Robert Cleasby*, Eccles, Lancashire, builder, April 28 at 12, District Court of Bankruptcy, Manchester.—*John Whitney*, Birkenhead, Cheshire, carrier, May 1 at 11, District Court of Bankruptcy, Liverpool.

*To be granted, unless an Appeal be duly entered.*

*W. Rowditch*, Exeter, Devonshire, grocer.—*Thos. Davis*, Blue Anchor-yard, Rosemary-lane, London, cowkeeper, and Glasshouse-st., Upper East Smithfield, Middlesex, licensed victualler.—*John Strachan*, Newcastle-upon-Tyne, common brewer.—*Thos. Henderson*, Newcastle-upon-Tyne, draper.—*Wm. Falla*, Hulme, Lancashire, builder.—*John Tibury* the younger, Gloucester-place, New-road, Middlesex, coachmaker.—*John Bloomer* and *Jonathan Philipps*, Sheffield, Yorkshire, joiners' tool manufacturers.

#### PETITIONS ANNULLED.

*Josiah Bradwell*, Manchester, butcher.—*William Shuttleworth*, Stratford-upon-Avon, Warwickshire, licensed victualler and innkeeper.

#### PARTNERSHIP DISSOLVED.

*John Williams*, *Edward Helt*, and *Joseph Bowman*, of Gresham-st., London, and late of Verulam-buildings, Gray's-inn, Middlesex, attorneys, solicitors, and conveyancers, carrying on business at Gresham-street aforesaid, (so far as concerns *John Williams*).

#### SCOTCH SEQUESTRATIONS.

*John Dunn*, Glasgow, cabinet maker.—*W. Nairne & Son*, Perth, flax spinners.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Augustus Meymott Wiele*, Pembroke, April 24 at 10, County Court of Pembrokehire, at Pembroke.—*Thos. Edmondson*, Greystock, Cumberland, tea dealer, April 27 at 10, County Court of Cumberland, at Keswick.—*Oliver Newey*, Dudley, Worcestershire, clerk at an iron work, April 28 at 9, County Court of Worcestershire, at Dudley.—*Alex. Seys*, Holly Hall, near Dudley, Worcestershire, grocer, April 28 at 9, County Court of Worcestershire, at Dudley.—*Thomas Baster*, Chester, lay clerk in the cathedral church, April 12 at 10, County Court of Cheshire, at Chester Castle.—*William Richard Fleming*, St. Lawrence, Isle of Thanet, Kent, baker, April 11 at 10, County Court of Kent, at Ramsgate.—*Stephen Dowland*, Ramsgate, Kent, stonemason, April 11 at 10, County Court of Kent, at Ramsgate.—*J. Foat* the younger, Ramsgate, Kent, out of business, April 11 at 10, County Court of Kent, at Ramsgate.—*Henry Johnson*, Beccles, Suffolk, carrier, April 19 at 10, County Court of Suffolk, at Beccles.—*Cephas Wm. Clarke*, Lowestoft, Suffolk, general dealer, April 19 at 2, County Court of Suffolk, at Lowestoft.—*Fenning Brook*, Woolpit, Suffolk, licensed victualler, April 22 at 12, County Court of Suffolk, at Stowmarket.—*William Mayes Hartridge*, Woodbridge, Suffolk, out of business, April 21 at 2, County Court of Suffolk, at Woodbridge.—*Thomas Dossier*, Hollesley, Suffolk, grocer, April 21 at 2, County Court of Suffolk, at Woodbridge.—*John Eagle Ranson*, Bury St. Edmunds, Suffolk, baker, April 24 at 10, County Court of Suffolk, at Bury St. Edmunds.—*Wm. Browning*, Marsham, Kent, farmer, April 17 at 10, County Court of Kent, at Ashford.—*John Greensall*, Wolverhampton, Staffordshire, in no business, April 25 at 9, County Court of Staffordshire, at Wolverhampton.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*April 21 at 10, before the CHIEF COMMISSIONER.*

*Wm. Purser*, Gray-street, Duke-street, Manchester-square.

Middlesex, stay cleaner.—*William Wills*, Hyde-street, New Oxford-street, Middlesex, carver.—*Henry G. Walker*, White-chapel-road, Middlesex, tobacconist.—*Wm. Robertson*, Vere-street, Oxford-street, Middlesex, waiter.

*April 22 at 10, before the CHIEF COMMISSIONER.*

*Thomas Marks*, New-street, Dorset-square, Marylebone, Middlesex, baker.—*James Drake*, Daggenham, Essex, farm labourer.—*Isaac Israel*, Middlesex-street, Whitechapel, Middlesex, retailer of milk.—*Wm. Edmonds*, Kingston, Surrey, schoolmaster.—*R. Edmonds*, Kingston, Surrey, schoolmaster.

*April 24 at 11, before the CHIEF COMMISSIONER.*

*John James*, Dover-road, Newington, Surrey, shopman to a cheesemonger.—*Charles Brock*, Waverley-road, Harrow-road, Paddington, Middlesex, butcher.—*Daniel Williams*, Mount-pleasant, Brixton-hill, Surrey, corn dealer.—*Charles Coote*, Ebenezer-cottages, Alpha-st., Park-road, Peckham, Surrey, shopman to a furniture dealer.—*Robert Young*, Bromley, Middlesex, out of employment.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*April 21 at 10, before the CHIEF COMMISSIONER.*

*Henry Cruz*, Farringdon-street, London, out of employ.—*George Morton*, New Oxford-street, Middlesex, assurance agent.—*John Kirkpatrick*, Sussex-place, Rotherfield-street, Lower-road, Islington, Middlesex, out of business.—*James Bonny*, Reigate, Surrey, out of business.—*John Newman*, Farnham, Surrey, furniture dealer.

*April 21 at 11, before Mr. Commissioner PHILLIPS.*

*John Rees R. Richards*, Lewisham, Kent, schoolmaster.—*Henry Marks*, Gee-street, Somers-town, Middlesex, milkman.—*Robert Powell*, Old Bond-street, Piccadilly, Middlesex, tailor.—*John Hains*, Albany-road, Old Kent-road, Surrey, out of business.

*Adjourned Hearing.*

*Algernon S. Sparke*, Dean-street, Fetter-lane, London, tailor.

*April 21 at 10, before Mr. Commissioner MURPHY.*

*Charles Wickham*, Ifield-terrace, Larkhall-lane, Stockwell, Surrey, milkman.—*James Wrench*, Whittlebury-st., Easton-square, St. Pancras, Middlesex, cabriolet proprietor.—*Charles Pritchard*, East-place, Walcot-place, Lambeth, Surrey, plumber.—*Samuel Clark*, Oval-cottages, Hackney-road, Middlesex, out of business.—*Barnett Nathan*, Ratcliffe-highway, Middlesex, oilman.

*April 22 at 11, before Mr. Commissioner PHILLIPS.*

*James W. Cole*, East-street, Red Lion-square, Middlesex, civil engineer.—*Joseph Steele*, Dame-street, Islington, Middlesex, out of business.—*John O'Hara*, Talbot-villas, St. Columb's-road, Paddington, Middlesex, clerk to a builder.

*April 22 at 10, before Mr. Commissioner MURPHY.*

*Henry Lack*, Queen-street, Hoxton, Middlesex, pig jobber.

*April 24 at 11, before the CHIEF COMMISSIONER.*

*Martin Grimes*, Newton-street, Holborn, Middlesex, out of business.—*Frederick Blayney*, Argyll-street, New-road, Middlesex, accountant.—*John Henry Morgan*, Metropolitan Coffee-house, City-road, Middlesex, dealer in wines.—*Charles Hunt*, Brownlow-street, Drury-lane, Middlesex, artist.—*C. Althorpe*, Bloomfield-street North, Dalston, Middlesex, out of business.—*Samuel Arnold*, Bermondsey-street, Southwark, Surrey, baker.

*April 24 at 11, before Mr. Commissioner PHILLIPS.*

*John Wood*, Lausina-road, New Peckham, Surrey, shoemaker.—*Thomas Salmon*, Sussex-road, Coldharbour-lane, Surrey, out of employment.—*Edward Scott*, Epsom, Surrey, letter carrier.—*Simon Jonas*, Clifton-street, Finsbury, Middlesex, dealer in watches.—*Joseph Page*, Weymouth-place, New Kent-road, Surrey, accountant.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Hampshire, at WINCHESTER, April 21.*

*John Voller*, Landport, near Portsea, builder.—*Edward*

*Burnard*, Petersfield, grocer.—*Henry Smith*, Portsea, builder.—*Thomas G. Thorpe*, Shirley, manager of brick works at Stoneham.

*At the County Court of Yorkshire, at YORK, April 24.*

*Levi Haigh*, Blakeley, near Elland, out of business.—*R. Greaves*, Spofforth, near Wetherby, usher at Redhill Academy.—*Joseph Benton*, York, out of business.—*William Bellamy*, Sheffield, out of business.—*Richard Kent*, Leeds, dealer in milk.—*John Spink*, Goole, joiner.—*Jonathan Hainsworth*, Halifax, warp dresser.—*Joseph Dyson*, Manningham, near Bradford, stonemason.—*Samuel Watson*, York, out of business.—*James Gilchrist*, York, out of business.—*Isaac Calam*, Belby, near Howden, out of business.—*Radcliffe Royston*, Lindley, near Huddersfield, joiner.—*Ely Smith*, Greetland, near Halifax, woollen cloth manufacturer.—*James Raistrick*, Horton, Bradford, tailor.—*Thomas Walton*, Manningham, near Bradford, commission agent.—*Joseph Longbottom*, Leeds, out of business.—*Henry Hick*, York, and Westgate, Huddersfield, out of business.—*Robert Hemingway*, Deepcar, near Sheffield, farmer.—*Charles W. Saville*, Sheffield, out of business.—*Wm. Eastwood*, Kirkheaton, near Huddersfield, out of business.—*Wm. Wigglesworth*, Bradford, hairdresser.

TUESDAY, APRIL 11.

### BANKRUPTS.

**HENRY JESSE**, Basingstoke, Southampton, corn factor, dealer and chapman, April 25 at 2, and May 23 at 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Lamb & Co., Basingstoke; Johnson & Co., 7, King's Bench-walk, Temple.—Petition filed April 7.

**THOMAS BISHOP and WILLIAM BISHOP**, White Lion-street, Bishopsgate, Middlesex, builders, dealers and chapmen, April 19 at 2, and May 23 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Wetherfield, Basinghall-street.—Petition dated April 1.

**EDWARD BIVEN**, King William-st., City, London, watchmaker, jeweller, dealer and chapman, April 20 at 2, and May 18 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Matthews, 2, Arthur-street West, London-bridge.—Petition filed April 8.

**EDWARD CARTER**, Murray-street, Hoxton, Middlesex, builder, dealer and chapman, April 21 at half-past 11, and May 23 at 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Brown, 21, Finsbury-place.—Petition filed April 6.

**WILLIAM JOHN WARD**, Folkstone, Kent, innkeeper, dealer and chapman, April 22 and May 26 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Jones, Quality-court, Chancery-lane, London.—Petition filed March 28.

**CHARLES JAMES MATHEWS**, Lyceum Theatre, Strand, Middlesex, lessee and manager of the theatre, bookseller and commission agent, April 24 and May 27 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Hare, 5, South-square, Gray's-inn.—Petition filed April 7.

**ALFRED GUY**, Upper Rosoman-street, Clerkenwell, Middlesex, lamp manufacturer, April 24 and May 25 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Pearce, 2, Giltspur-street, London.—Petition filed April 7.

**BENNETT ALFRED BURTON and HENRY MORTIMER BURTON**, John's-place, Holland-street, Southwark, Surrey, engineers, dealers and chapmen, April 19 at half-past 12, and June 3 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Holmer & Robinson, 26, Bridge-street, Blackfriars.—Petition dated April 8.

**WILLIAM EDWARDS BROOKING**, St. Stephens by Saltash, Cornwall, coal merchant, dealer and chapman, April 24 and May 22 at 1, District Court of Bankruptcy, Plymouth: Off. Ass. Hirtzel; Sol. Jeffery, Devonport; Elworthy, Plymouth.—Petition filed April 7.

**JAMES SCHOFIELD and ROBERT SCHOFIELD**, Rochdale, Lancashire, cotton spinners and manufacturers, (carrying on business under the name of James Schofield), April 27 and May 25 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sol. Harris, Rochdale.—Petition filed April 7.

### MEETINGS.

*John Brown*, Sheffield, Yorkshire, chemist, May 27 at 10,



District Court of Bankruptcy, Sheffield, last ex.—*Wm. T. Ashfield*, Church-street, Lambeth, Surrey, lithographic and copper-plate printer, April 25 at 12, Court of Bankruptcy, London, aud. ac.; May 2 at 11, div.—*Daniel W. Lucas* and *Isaac Dods*, Arthur-street West, London, flax merchants, May 5 at 12, Court of Bankruptcy, London, aud. ac.—*Thomas Pye*, Manor-street, Chelsea, Middlesex, sawyer, April 21 at 12, Court of Bankruptcy, London, aud. ac.—*Thomas Nison Kerr*, Biggleswade and Southhill, Bedfordshire, miller, April 21 at 11, Court of Bankruptcy, London, aud. ac.—*John Smith* and *James Smith*, Brighton, Sussex, and King-street, Snow-hill, London, stationers, April 21 at 12, Court of Bankruptcy, London, aud. ac.—*Edmund Spettigue* and *George Farrance*, Chancery-lane, Middlesex, booksellers, April 21 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Sampson Langdale*, *John Eyton*, and *Maria Joscelyn Cooke*, Newcastle-upon-Tyne, merchants, May 2 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac. sep. est. of *John Eyton*, and aud. ac. and div. sep. est. of *Sampson Langdale*.—*John M. Gibbon* and *Archibald Galbreath*, Kingston-upon-Hull, merchants, May 3 at 12, District Court of Bankruptcy, Kingston-upon-Hull, aud. ac.; at half-past 12, div.—*James Cowderoy*, Hammersmith, Middlesex, omnibus proprietor, May 2 at 1, Court of Bankruptcy, London, div.—*J. Turner*, Uckfield, Sussex, grocer, May 2 at 11, Court of Bankruptcy, London, div.—*Samuel G. M. Scowen*, Wood-street, Cheapside, London, warehouseman, May 2 at 2, Court of Bankruptcy, London, div.—*Robert W. Wright*, *Charles Davy*, and *Jacob Dixon*, Devonshire-street, Queen-square, Bloomsbury, Middlesex, goldsmiths, May 9 at 11, Court of Bankruptcy, London, fin. div. sep. est. of *Charles Davy*.—*William Charlton*, Basingstoke, Southampton, grocer, May 9 at 12, Court of Bankruptcy, London, div.—*Osborn Engall Teaseh*, Norwich, timber merchant and sawyer, May 9 at 11, Court of Bankruptcy, London, div.—*Henry Chown*, St. Swithin's-lane, London, and Croydon, Surrey, wine merchant, May 12 at 11, Court of Bankruptcy, London, div.—*John Tibbury* the younger, Gloucester-place, New-road, Middlesex, coachmaker, May 5 at 11, Court of Bankruptcy, London, div.—*John Tate*, Darlington, Durham, iron merchant, May 3 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—*Henry Shead*, Witham, Essex, miller, May 5 at 11, Court of Bankruptcy, London, aud. ac.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Wm. Hollis Frearson*, Wood-street, Cheapside, London, and West Ham, Essex, sewing-cotton manufacturer, May 3 at half-past 2, Court of Bankruptcy, London.—*George Coope*, Victoria-street, Westminster, Middlesex, patent irrigator, May 3 at half-past 1, Court of Bankruptcy, London.—*Claudius Alfred Scrivener*, Old Change, London, milliner, May 3 at 2, Court of Bankruptcy, London.—*Jacob Stone*, Little Moorfields, London, coachmaker, May 2 at 12, Court of Bankruptcy, London.—*Robert Bishop*, Vere-street, Oxford-street, Middlesex, hotel keeper, May 5 at 12, Court of Bankruptcy, London.—*Henry Shead*, Witham, Essex, miller, May 5 at 11, Court of Bankruptcy, London.—*Wm. Birkett*, Manningham, Bradford, Yorkshire, soap manufacturer, May 30 at 11, District Court of Bankruptcy, Leeds.—*C. Bowe Palmer*, Newport, Monmouthshire, porter merchant, May 5 at 12, District Court of Bankruptcy, Bristol.—*Sampson Langdale*, *J. Eyton*, and *Maria J. Cooke*, Newcastle-upon-Tyne, merchants, May 3 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Joseph Ellis*, Ardwick, near Manchester, joiner, May 5 at 12, District Court of Bankruptcy, Manchester.—*J. Ashworth*, Litchurch, near Derby, hotel keeper, May 5 at 10, District Court of Bankruptcy, Nottingham.—*S. Bartholomew*, Birmingham, licensed victualler, May 6 at 10, District Court of Bankruptcy, Birmingham.

To be granted, unless an Appeal be duly entered.

*Wm. Charlton*, Basingstoke, Southampton, grocer.—*Henry Green*, Stoke-by-Nayland, Suffolk, baker.—*John Smith* and *James Smith*, Brighton, Sussex, and King-street, Snow-hill, London, stationers.—*Thomas Lamb Atkinson*, Wood-street, London, linen warehouseman.—*Geo. Collier*, Landport, near Portsea, Southampton, draper.—*Thomas Lett*, College-street, Camden-town, Middlesex, builder.—*Mackinsey Bowell*, Manchester, publican.—*Geo. Warhurst*, Leigh, Lancashire, iron-

monger.—*William Harris Spicer*, Dudley, Worcestershire, and Wolverhampton, Staffordshire, hatter.

#### PARTNERSHIP DISSOLVED.

*Samuel Phillips Southam* and *Adam P. Trow*, Cleobury Mortimer, Shropshire, attorneys-at-law and solicitors.

#### PETITION ANNULLED.

*William Morris*, Ludlow, Shropshire, innkeeper.

#### SCOTCH SEQUESTRATIONS.

*Geo. Finlay*, Glasgow, wine merchant.—*Alex. Ronaldson*, Wick, fisher.—*Daniel M'Ewan*, Glasgow, cabinet maker.—*George Lang*, Baillieston, Lanarkshire, cattle dealer.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Mary Batters*, Horfield, Gloucestershire, retailer of beer, May 18 at half-past 10, County Court of Gloucestershire, at Bristol.—*Wm. Seammell*, Bristol, fruiterer, May 18 at half-past 10, County Court of Gloucestershire, at Bristol.—*Samuel Randle*, Bridgetown, Berry Pomeroy, Devonshire, assistant draper, April 27 at 11, County Court of Devonshire, at Totnes.—*John Symons*, Jump, Bickleigh, Devonshire, mason, May 31 at 11, County Court of Devonshire, at East Stonehouse.—*Thomas Hopkins*, Southampton, publican, April 20 at 10, County Court of Hampshire, at Southampton.—*John Roberts*, Wrexham, Denbighshire, grocer, April 25 at 10, County Court of Denbighshire, at Wrexham.—*John Ratcliffe*, Bury, Lancashire, tailor, May 3 at 11, County Court of Lancashire, at Bury.—*Wm. W. Jones*, Machynlleth, Montgomeryshire, attorney-at-law, May 15 at 10, County Court of Montgomeryshire, at Machynlleth.—*Charles Goddard*, Gressbrough, Yorkshire, grocer, April 28 at 12, County Court of Yorkshire, at Rotherham.—*Thomas Heath*, Bentley, Staffordshire, beer-house keeper, April 22 at 10, County Court of Staffordshire, at Walsall.—*Wm. Thurley*, Royston, Cambridgeshire, grocer, April 21 at 12, County Court of Hertfordshire, at Royston.—*John Towns*, Manchester, provision dealer, May 1 at 12, County Court of Lancashire, at Manchester.—*Thomas A. P. Giles*, Park-street, Forton-road, near Gosport, Hampshire, clerk on board her Majesty's convict hulk Stirling Castle, Gosport, May 6 at 11, County Court of Hampshire, at Portsmouth.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

April 26 at 10, before Mr. Commissioner MURPHY.

*James East*, Newgate-market, London, poultry salesman.—*Harry Guerin*, Jermyn-street, St. James's, Westminster, Middlesex, cook.—*John F. Sharmen*, Warwick-street, Belgrave-road, Pimlico, Middlesex, upholsterer.—*R. Connor*, Church-street, Hackney, Middlesex, furniture dealer.—*James Austen*, Poplar-row, New Kent-road, Surrey, coachman.—*C. T. Butterfield*, Barking, Essex, fisherman.—*H. Pimm*, Francis-street, Westminster-road, Lambeth, Surrey, chandler-shop keeper.—*E. B. Breton*, Whitehead's-grove, Brompton, Middlesex, superannuated clerk of the Metropolitan Police Force.—*Thomas Barrett*, Uxbridge Moor, Hillingdon, Middlesex, wharfinger.—*John Foster*, Hurdle-street, Wellington-street, Shacklewell, Middlesex, carpenter.

April 27 at 11, before Mr. Commissioner PHILLIPS.

*Francis Pegg Payne*, Long-acre, Middlesex, coach fringe weaver.—*Charles Cook*, South-street, King's-road, Chelsea, Middlesex, out of business.—*Robert J. Bugg*, Key's-terrace, Greatchurch-lane, Hammersmith, Middlesex, carpenter.—*C. Kerating*, Pultney-terrace, Barnsbury-road, Islington, Middlesex, compositor.—*Samuel Arundel*, Elizabeth-place, Ann-street, Globe-fields, Mile-end, Middlesex, cabinet maker.—*T. Arundel*, Elizabeth-place, Ann-street, Globe-fields, Mile-end, Middlesex, cabinet maker.—*J. Tompkins*, John-street, Holland-street, Blackfriars-road, Surrey, wood turner.—*J. Head*, Blackmoor-street, Drury-lane, Middlesex, publican.—*Charles Dugard*, Woodland-street, Dalston, Middlesex, commission agent.—*Maria Neville*, Francis-street, Tottenham-court-road, Middlesex, tailor.

*Saturday, April 8.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*James Greenwood*, Springhead, near Keighley, Yorkshire, out of business, No. 77,451 C.; *John Appleyard* and *John Sutcliffe*, assignees.—*Wm. C. Greenwood*, Springhead, Keighley, Yorkshire, farmer, No. 77,454 C.; *John Appleyard* and *John Sutcliffe*, assignees.—*Ann James*, Tiddenham, Gloucestershire, in no business, No. 72,837 C.; *Samuel Sturgis*, new assignee; *Joseph Gibbs Duffett*, late assignee, removed.—*John Wernald*, Manchester, packer, No. 77,554 C.; *Edward J. Hughes*, assignee.

*Saturday, April 8.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*John C. Trotter*, Sloane-terrace, Sloane-street, Chelsea, Middlesex, in no business: in the Queen's Prison.—*Thomas B. Linsey*, Lee-street, Kingsland-road, Middlesex, out of employ: in the Queen's Prison.—*Thomas Bristow*, Wardour-street, Soho, Middlesex, dairyman: in the Queen's Prison.—*Thomas Davis*, Princes-street, Bedford-row, Middlesex, milkman: in the Debtors Prison for London and Middlesex.—*T. Fisher* the elder, Gower-street, Bedford-square, Middlesex, pianoforte maker: in the Debtors Prison for London and Middlesex.—*James Brown*, Wellington-place, St. George's-in-the-East, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Wm. Rolfe*, Kennington-green, Surrey, baker: in the Gaol of Surrey.—*George Kitchen*, Greville-street, Hatton-garden, Middlesex, cheesemonger: in the Queen's Prison.—*L. E. Prescott*, Oak-place, Battersea, Surrey, in no business: in the Queen's Prison.—*C. B. Baird*, Clifton-street, Finsbury, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*J. W. Davies*, Grove-place, St. John's-wood, Middlesex, furniture broker: in the Debtors Prison for London and Middlesex.—*Thomas Green*, Parker-street, Drury-lane, Middlesex, greengrocer: in the Debtors Prison for London and Middlesex.—*E. Powell*, York-place, Portman-square, Middlesex, in no business: in the Debtors Prison for London and Middlesex.—*Thomas Kinmer*, New Inn, Old Bailey, London, general carriers' agent: in the Debtors Prison for London and Middlesex.—*William Arton*, Upper Park-street, Liverpool-road, Islington, Middlesex, commission agent: in the Queen's Prison.—*Joseph Blend*, Stone-hill, Long-cross, Chertsey, Surrey, not in any business: in the Gaol of Surrey.—*W. Griffiths*, Gloucester-road, Camberwell, Surrey, maltster: in the Debtors Prison for London and Middlesex.—*Edward Burnaud*, Petersfield, Southampton, grocer: in the Gaol of Winchester.—*Wm. Plant*, Dresden, near Longton, Staffordshire, out of business: in the Gaol of Stafford.—*Samuel Townsend*, Hawksclough, near Hebden-bridge, near Halifax, Yorkshire, dyer of cotton cloths: in the Gaol of York.—*Enoch Haller*, Kingston-upon-Hull, shipping clerk: in the Gaol of Kingston-upon-Hull.—*Hugh Fulton*, Rusholme, near Manchester, out of business: in the Gaol of Lancaster.—*John Skerratt*, Worcester, out of business: in the Gaol of Worcester.—*Joseph Charlesworth*, Ardwick, Manchester, fruiterer and greengrocer: in the Gaol of Lancaster.—*John Preston*, Blackburn, Lancashire, cut looker: in the Gaol of Lancaster.—*Wm. Cameron*, Newcastle-upon-Tyne, confectioner: in the Gaol of Newcastle-upon-Tyne.—*William Radcliffe*, Oldham, Lancashire, assistant to a woollen rag dealer: in the Gaol of Lancaster.—*James Vincett*, Northfleet, Kent, baker's foreman: in the Gaol of Maidstone.—*W. Humphries*, Gravesend, Kent, licensed victualler: in the Gaol of Maidstone.—*John Cowdell*, Oswestry, Shropshire, book-seller: in the Gaol of Shrewsbury.—*John Hall*, Gilesgate, Durham, out of business: in the Gaol of Durham.—*Thomas Billington*, Preston, Lancashire, out of business: in the Gaol of Lancaster.—*James Wilson*, Blackburn, Lancashire, fish-monger: in the Gaol of Lancaster.—*Robert Leyland*, Chorley, Lancashire, joiner: in the Gaol of Lancaster.—*Thomas Cunliffe*, Leyland, near Preston, Lancashire, out of business: in the Gaol of Lancaster.—*James Spencer*, Salford, Clitheroe, Lancashire, out of business: in the Gaol of Lancaster.—*Jos. Bridge*, Preston, Lancashire, provision-shop keeper: in the Gaol of Lancaster.—*Jeese Lee*, Brickfield, near Bacup, Lancashire, stonemason: in the Gaol of Lancaster.—*Thos. Green-*

*halgh*, Manchester, out of business: in the Gaol of Lancaster.—*Emanuel Peter Downs*, Haughton, near Manchester, ear-goon: in the Gaol of Lancaster.—*Thomas Jones*, Liverpool, painter: in the Gaol of Lancaster.—*John Bromley*, Manchester, cowkeeper: in the Gaol of Lancaster.—*Edmund Taylor*, Rochdale, Lancashire, cotton waste spinner: in the Gaol of Lancaster.—*Solomon Hart*, Portsea, Southampton, clothier: in the Gaol of Winchester.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*April 25 at 10, before Mr. Commissioner MURPHY.*

*Thomas Baughan*, Catherine-st., Commercial-road East, Middlesex, cooper.—*George Cluer Guyan*, Old-street-road, Shoreditch, Middlesex, licensed dealer in beer.—*W. Wright*, Frederick-st., Gray's-inn-road, Middlesex, working engraver.—*Charles Cole*, Upper Eaton-st., Pimlico, Middlesex, waiter.—*Albert Rowell*, Upper Eaton-street, Pimlico, Middlesex, waiter.—*John Brinkworth*, Albert-terrace, Bishop's-road, Paddington, Middlesex, auctioneer's clerk.

*April 26 at 10, before the CHIEF COMMISSIONER.*

*Wm. Daniel Lovell*, White Lion-st., Clerkenwell, Middlesex, goldbeater.—*Wm. Grey Rea*, Wyndham-place, Bryanstone-square, Middlesex, wine merchant.—*William Jubber Spurrier*, Maddox-street and Barlington-mews, Regent-st., Middlesex, wine merchant.—*John Peter Brust*, Royal-street, Royal-road, near Kennington-common, Surrey, out of business.—*Thomas Gibson*, Wellington-place, Park-road, New Peckham, Old Kent-road, Surrey, grocer.—*Robert Andrews*, Angel-alley, Little Moorfields, London, livery-stable keeper and job master.

*The following Persons, who were ordered to be brought up before the CHIEF COMMISSIONER on April 26, at the Court-house, Portugal-street, Lincoln's-inn, to be dealt with according to the Statute, will not be heard on their Petitions on that Day, but on April 27 at 10 precisely:—*

*William Daniel Lovell*, (sued as W. D. Lovell).—*William Grey Rea*, (sued as W. G. Rea, and as William Gray Rea).—*William Jubber Spurrier*.—*John Peter Brust*, (sued as John Brust).—*Thomas Gibson*.—*Robert Andrews*.

*Adjoined:—Robert Broad.*

*Remanet:—William Brock Wild.*

*Final Orders:—James Forrest*.—*George Frost the younger*.—*George Lilley*.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Shropshire, at SHREWSBURY, April 25 at 10.*

*John Cowdell*, Oswestry, bookbinder.

*At the County Court of Gloucestershire, at BRISTOL, April 27 at half-past 10.*

*H. Pool*, Weston-super-Mare, mason.—*Richard Parker*, Bath, wharfinger.

*At the County Court of Buckinghamshire, at AYLESBURY, April 27 at 1.*

*James Howard*, Newport Pagnell, licensed victualler.

*At the County Court of Bedfordshire, at BEDFORD, April 29 at 10.*

*John Ladhin*, Pertenhall, farm bailiff.

**INSOLVENT DEBTORS' DIVIDENDS.**

*Joseph Philip Press*, Church-street, Hackney, Middlesex, draper: 2s. 4d. (making 9s. 3d.) in the pound.—*Jas. Woolfall*, Blackburn, Lancashire, plumber: 1s. 0½d. in the pound.—*Wm. Ling Hicks*, Creetingham, near Debenham, Suffolk, farmer: 5s. 4d. in the pound.—*Edward Reid*, Rose Cottage, Junction-road, Upper Holloway, Middlesex, second clerk of entries in the Chancery Report Office: 4s. 4d. in the pound.—*Frederick A. Simpson*, Euston-square, Middlesex, master mariner: 10½d. in the pound.—*James Hubbard*, Foxes-lane, Shadwell, Middlesex, broom maker: 1s. 4d. in the pound.

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APRIL 22, 1854.

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LONDON, APRIL 22, 1854.

QUESTIONS connected with the reparation of property  
 are of every-day occurrence, and they affect not only  
 the wide-spread relation of landlord and tenant, but  
 also their liabilities with reference to third persons.

The following rules may be regarded as fixed by the  
 decisions upon this subject:—

First, in the absence of any agreement to repair, a  
 tenant, for whatever term he may hold the premises,  
 is not bound to do more than to keep them wind and  
 water tight. (*Wise v. Metcalfe*, 10 B. & Cr. 312).

Secondly, in the absence of an agreement by the  
 landlord to repair, he is not bound to do any repairs as  
 regards the tenant. This was decided in the recent  
 case of *Gott and Another v. Gandy*, (18 Jur., part 1,  
 p. 310; 23 L. J., Q. B., 1). There a declaration,  
 stating that the plaintiff was the defendant's tenant  
 from year to year of a house, that during the tenancy  
 a chimney, without the plaintiff's default, became out

of repair, and that the defendant after notice refused  
 to repair it, whereby it fell during the tenancy and  
 injured the house, was held bad on demurrer.

Thirdly, in the absence of any such agreement by  
 the landlord to repair, the tenant remains liable for  
 rent, even though the premises should be rendered  
 uninhabitable for want of repair, (*Arden v. Pullen*, 10  
 M. & W. 321), or are destroyed by fire; (*Belfour v.*  
*Weston*, 1 T. R. 310; *Baker v. Holtzpfaff*, 4 Taunt.  
 45); and even if there be an agreement by the land-  
 lord to repair, his breach thereof does not justify the  
 tenant in quitting the premises, so as to exempt him  
 from the payment of rent. (*Surplice v. Farnsworth*,  
 7 Mac. & G. 576). The tenancy still continues, and  
 the tenant has his remedy against the landlord for  
 breach of his agreement.

Fourthly, if there is an express agreement on either  
 side, then, according to the maxim, "expressio facit  
 cessare tacitum," the liabilities of the parties are mea-  
 sured thereby, and all implied liability is excluded.  
 (*Standen v. Christmas*, 10 Q. B. 135).

Fifthly, where a party enters into possession under a  
 lease which is void under the Statute of Frauds, or as  
 being an invalid execution of a power, but which lease  
 contains a covenant to repair, he is still liable to repair  
 according to such covenant. (*Richardson v. Gifford*, 1  
 Ad. & El. 52; *Beale v. Sanders*, 5 Scott, 58).

Sixthly, whether, where a lease has been executed by  
 the lessee, but not by the lessor, and the former has  
 entered and enjoyed the premises during the whole of  
 the intended term, he is liable on a covenant to repair

during the term, appears to be vexata quæstio. (*Pitman v. Woodbury*, 3 Exch. 4, 13; *Cooch v. Goodman*, 2 Q. B. 580, 599). The Court of Exchequer, in *Pitman v. Woodbury*, seemed to be of opinion that in such a case, the term itself not being created, the covenant dependent on such term was void altogether. (See also to this effect *Swatman v. Ambler*, 22 L. J., Ex., 81).

Seventhly, as to the extent of liability upon an express agreement to repair, the age and class of the premises may be taken into estimation. (*Paine v. Haine*, 16 M. & W. 541). Under an agreement to keep and to deliver up the premises in good repair, the tenant must put them into good repair, and is not justified in keeping them in bad repair because he found them in that condition; (*Ib.*); and if the agreement be unconditional, he must rebuild them, even if the premises be destroyed by fire or other accident. If a tenant refuse to repair according to his agreement, and his landlord—who is himself a lessee, and bound, under pain of forfeiture, to keep them in repair—enter and repair them, the measure of damages is the sum necessarily expended in putting them into repair, and not the costs of an action brought by the ground landlord against the meane landlord for non-repair, unless the underlease contain a covenant to indemnify. (*Logan v. Hall*, 4 C. B. 598; *Colley v. Streeton*, 2 B. & Cr. 273). In an action by a lessee against an assignee of premises for non-repair, it appeared that the plaintiff in 1843 assigned the lease to the defendant; that in October, 1851, the defendant assigned to one T.; that in June, 1852, T. assigned to H. Evidence was given for the plaintiff, that when H. held the lease the premises were out of repair, and T. stated he put the premises in no better state than when he received them from the defendant. No further evidence was given, and the defendant was not called as a witness. It was held that the judge was right in directing the jury to give substantial damages, and that the jury were warranted in presuming that the dilapidations took place during the time that the defendant held the lease. (*Smith v. Peat*; 9 Exch. 161). Parke, B., referred to Lord Holt's opinion, that the measure of damages was the amount it would require to put the premises into repair, but said that view had been departed from, and that Coleridge, J., had ruled that the amount of damages was the amount of injury done to the possession by the premises being out of repair. Martin, B., said, "In my opinion the measure of damages is the loss the landlord would undergo if he sold his reversion in the market."

Eighthly, a covenant to repair runs with the land, so as to bind the assignee of the land or the reversioner, (*Martyn v. Clue*, 22 L. J., Q. B., 147, where the question, as to allowance of timber being a condition precedent under the terms of the lease, was also considered), provided it is contained in an instrument under seal, but otherwise not. (*Standen v. Christmas*, 10 Q. B. 135). In the latter case, the party to the agreement may sue the other party to it for non-repair, though the former may have assigned the reversion. (*Bickford v. Parson*, 5 C. B. 920).

Ninthly, an important question, not finally settled, is the liability of a landlord or his tenant for an injury caused to a third person by want of repair of the pre-

mises. In *Gott v. Gandy*, (*supra*), on its being said by counsel, that there being no agreement on the part of the tenant to repair, the landlord would have been liable to a passer-by injured by the falling of a chimney, &c., Lord Campbell, C. J., asked, "Has that ever been decided?" The doctrine of liability of owners of fixed property for injuries to others was much considered in *Reedie v. The London and North-western Railway Company*, (4 Exch. 244).

Upon principle, it would seem that the party on whom the duty to repair the premises is cast is liable to third persons for an injury caused by non-repair—that is, the party who has expressly agreed to repair them; and in the absence of any agreement, the owner of the property would probably be liable, it being a burthen incident to property that it should be kept in a safe condition as regards the public; and as the person injured has no means of knowing whether the tenant had agreed to repair or not, his remedy in all cases probably would be against the owner, who, if he had bound his tenant to repair, could enforce such liability against him. It may be said, if the owner is liable to a third party for injury thus caused, why should he not be liable to the tenant? The distinction, however, is obvious, as tenants have an opportunity of inquiring into the state of the premises, and need not become tenants unless they are satisfied to take the risk. (See remarks of the Court in *Gott v. Gandy*, *supra*, and in *Seymour v. Maddox*, 16 Q. B. 326; 15 Jur., part 1, p. 723).

It is not out of place to state briefly the rules of the French law upon the subject of repairs as between landlord and tenant. In the Code Civil, b. 3, tit. 8, art. 1719, 1720, 1754—1756, it is declared that "the lessor is bound by the nature of the contract, and without the necessity of any particular stipulation, to maintain the thing demised in a state fit for the purpose for which it was taken. The lessor is bound to deliver the thing in a state of complete repair. He must make in it, during the continuance of the lease, all the reparations which may become necessary, other than tenant's repairs. Tenant's repairs, or ordinary reparations, to which the lessee is bound, if there be no agreement to the contrary, are those marked out as such by the usage of places; and, among others, the reparations to be made are—to hearths, chimney-backs, jambs, and chimney-pieces; to the plastering of the bottom of the walls of apartments, and other places of habitation, to the height of a metre; to the pavement of chambers, when some of it only is broken; to glass, unless it be broken by hail, or other extraordinary accidents, or superior force, for which the tenant shall not be responsible; to doors, casements, bars or shutters of shops, hinges, window-bolts, and locks. None of the reparations deemed to belong to tenants are chargeable on lessees when they are only occasioned by age or superior force. The cleansing of wells and privies are charges of the lessor, if there be no agreement to the contrary."

#### A WIFE'S EQUITY AGAINST HER HUSBAND'S ASSIGNEE FOR VALUE.

In *Tidd v. Lister*, (10 Hare, 140), Sir G. J. Turner, V. C., decided, according to the learned reporter's marginal note, that a married woman, whose husband does not maintain her, is not entitled, as against a particular assignee of the husband, to maintenance out of the income of the real and personal estate to which she was entitled in equity for her life; or, (as the marginal note proceeds to state), "as against purchasers from the husband of the life interest of the wife, equity will follow the law which gives to the husband the power of dealing with the income of his wife's property, and will not put in force the rule, that he who comes into equity

must do equity, whereby purchasers would be involved in inquiries into the relations between husband and wife, their property, and means of maintenance." And this decision has been affirmed by the Lord Chancellor. The marginal note appears to state correctly the decision and the doctrine of the Court. The petitioner, Elizabeth Tidd, was, under her father's will, equitably entitled for her life to the income of freehold, copyhold, and personal estates. She married W. Tidd after her father's death, without a settlement. A bill was filed to have the estate administered, and a receiver was appointed, who, by a subsequent order, was directed to pay the balance of the income, after defraying certain outgoings, to W. Tidd and Elizabeth his wife, or to the wife alone, if she survived, until further order. In the meantime, Tidd and his wife had joined in a security, by lease and release, fine, and covenant to surrender the devised copyholds, which, for a pecuniary consideration paid by H. Begborough to W. Tidd, purported to charge an annuity in favour of Begborough on Mrs. Tidd's life interest. Afterwards a mortgage of Mrs. Tidd's life interest was made, by similar assurances, in favour of Mary Basil. Subsequently Mrs. Tidd presented a petition, stating that for many years her husband had not maintained her; that he was then receiving parochial relief; and asking that the receiver might be directed to pay the whole of the income of the trust property to her, except as to the income arising from the freeholds, if it should appear that she had effectually conveyed her interest in the freeholds. The petition was dismissed, but, having regard to what fell from the Court in *Wilkinson v. Charlesworth*, (10 Beav. 324), without costs.

The case was decided on the authority of *Elliott v. Cordell* (5 Mad. 149) and *Stanton v. Hall*, (2 Russ. & M. 175), and on reasoning which may be thus stated from the Lord Chancellor's judgment:—"When the interest of the wife is a sum in gross, the wife's equity attaches for the benefit of herself and her children. There is no doubt or ambiguity about the principle; the relation alone gives her the right, and no purchaser can be deceived. The case is not the same where the Court has to deal with a life interest. As between the husband and wife, the Court never deprives him of the income of the fund with a view of making a settlement on the wife, but follows the course of the common law in giving the husband the fund. By marriage and duty he becomes the purchaser of that which is naturally applicable to their joint maintenance. If, indeed, he fail in the discharge of his duty—if he deserts her—this Court will not help him to get at the fund. But this is done only because the husband has failed to perform his duties. Now, to involve a purchaser of the wife's life interest in inquiries how far the husband may be doing his duty in disposing of his wife's interest would be highly inconvenient." So far his Lordship seemed to be perfectly satisfied with the decision on principle; but he proceeded to hint that the distinction might not be altogether satisfactory, and finally relied on the inexpediency of disturbing the authorities.

But whether the authorities are in a perfectly settled state may be a question. *Elliott v. Cordell* and *Stanton v. Hall* fully support the decision and doctrine in *Tidd v. Lister*. There is, however, a case of *Wortham v. Pemberton*, (1 De G. & S. 644), in which the doctrine that the husband is entitled to receive or to assign his wife's life income, if he is not insolvent, was rejected. There a bill was filed by a married woman, legal tenant in tail, subject to a jointure term, seeking, as against her husband, a settlement of the income to which she was entitled as tenant in tail; and a settlement during the joint lives of the husband and wife, if the term should so long endure, was directed, without any question being made of the husband's solvency or ability

to maintain his wife. Sir J. L. Knight Bruce, V. C., said, "There is so much of moral justice, and so much fairness and convenience, in the Lord Chancellor's decision in *Sturges v. Champneys*, (5 My. & C. 102), that it would, I suppose, be a matter of general regret if it were held by the House of Lords not to be according to law." Here, then, is a decision that the wife has a right to a settlement out of her life income when she comes as a plaintiff, and not on the ground of her husband's desertion or insolvency, or by help of the rule that he who asks equity must do equity, which was the ground upon which, in *Sturges v. Champneys*, the wife's equity was enforced against the husband's assignees in insolvency, applying to have a term taken out of the way. Lord Cottenham, however, expressly recognised the authority of those cases in which the equity was allowed to the wife, claiming it as plaintiff. "Equity," said his Lordship, "though it follows the law, and therefore gives to the husband or his assignee the life estate of the wife, yet it withholds its assistance for the purpose until it has secured to the wife the means of subsistence." If this be the principle, and if, as is settled, this equity is enforced against the husband's assignees in insolvency, or even his assignees under a voluntary disposition for the benefit of creditors, (*Pryor v. Hill*, 4 Bro. C. C. 139), in the case of a life income, is it not absurd to say that there is a distinction between a particular assignee and creditors in the case of a life income, though there is none in the case of a gross sum? Surely the equity of the wife is as good as the equity of her children; or if it be not, then a wife without children; and past the age of childbearing, would have no equity against a particular assignee, even of a gross sum. Even in the case of a life income, the wife's children may be as much interested in its preservation as herself. And where can be the difference between insolvency at the time of the assignment, and insolvency subsequent to it? The presumption is, that the husband has exhausted his own means before he lays his hands by anticipation on his wife's income. His wife would be protected against the claims of his creditors generally, but not against one of those creditors claiming under an assignment made the day before the bankruptcy. "It would be inconvenient that purchasers should become involved in inquiries into the relations between husband and wife," &c. With all respect to the Court, we must say that such an argument scarcely deserves notice. If it were worth attention, it would have equal force against the wife's claim in respect of a gross sum. No doubt the wife's equity is an inconvenient obstacle in the way of dealings with her property; and it was intended to be so, in order to prevent a greater inconvenience—her own and her children's destitution.

This absurd distinction between a life interest and a gross sum is, in fact, a mere remnant of the distinction formerly insisted upon, but, after much fluctuation of authority, at length exploded, between the husband's general assignees for creditors and his particular assignee. (See 1 Rep. Husb. & Wife, 268 et seq.)

As between the husband himself and the wife, there is a shew of reason (or rather of consistency) in saying, that, so long as he lives with and maintains her, he shall receive her income. That reason ceases when, by assigning it over to a stranger, he puts that source of maintenance out of his power. But even as against the husband himself, not insolvent or deserting his wife, we have seen that a settlement of the life income will be enforced; (*Wortham v. Pemberton*); and it has never been pretended that the assignee can be in a better position than the husband was in at the time of the assignment. Again: if the husband is entitled to the wife's income as a fund for their joint maintenance, and is entitled to assign it, he should be equally entitled to assign the income of a gross fund belonging to



the wife. But the settlement directed against an assignee always includes the income.

In *Wilkinson v. Charlesworth* and *Marsack v. Lister* (10 Beav. 324) the doctrine was laid down in the only way in which, as we conceive, it can be laid down without inconsistency; and the Master of the Rolls distinctly asserted the existence of the wife's equity in respect of her life income—"It has been, as far as I know, the constant practice in this court to give effect to the equity of the wife in respect of her life interest." After referring to the argument, that the husband is a purchaser of his wife's life income, his Lordship said, "The whole argument is at variance with the ordinary practice of this Court. When a husband applies for payment of money, either principal or interest, to which he is entitled in right of his wife, the first questions are—whether the money for which he asks is subject to any settlement already made; and, if not, whether the wife consents to the payment desired being made to her husband. If she does not, the next question is, what settlement should be made; and if necessary, it is referred to the Master to inquire into the subject. Except under special circumstances, she has not been held entitled to have the whole of the capital fund settled upon herself and her children, or to have the whole of her income secured to be paid to herself alone, wholly excluding her husband; and there may be cases in which, under the circumstances, she may not be held entitled to have any settlement made out of the particular fund in question. . . . But the title of the husband having been considered subject to the wife's equity to a settlement, the matter is always inquired into." His Lordship then observed, that the observations of Lord Hardwicke in *Bond v. Simons*, (3 Atk. 20), and of Sir T. Clarke in *Sleech v. Torrington*, (2 Ves. sen. 560), were probably founded on the notion, since overruled, that the life interest of the wife was not a subject upon which her equity for a settlement could attach; but it is now settled, that the husband is not entitled to his wife's life interest otherwise than subject to her equity for a settlement.

It thus appears that the doctrine in *Elliott v. Cordell* and *Tidd v. Lister* is not only wholly untenable upon principle, but also contrary to very respectable authority.

## Correspondence.

### INCOME TAX.

TO THE EDITOR OF "THE JURIST."

SIR,—I am not sure that this comes within the limits of *THE JURIST*, although the subject is one in which the Profession are interested, particularly now that we have an increased and increasing income tax in prospect; if it does, I shall feel obliged by its insertion.

In making my return for assessment to the income tax, I deducted the average loss on my law books. On appeal to the special commissioners, they refused to allow me any deduction whatever. Such, it appears, is their rule; but it is, I submit, unauthorised by the act.

By the third rule, sect. 100 of the act, for estimating the balance of profits and gains in the case of a trade, &c., and which, as far as applicable, is extended to professions, it is declared, "that no deduction shall be made for any sum expended for the supply, or repairs, or alterations of any implements, utensils, or articles employed for the purpose of such trade, &c. beyond the sum usually expended for such purposes according to an average of the three years preceding." That is, that the average sum so expended may be deducted. Now, what are law books but articles employed for professional purposes? and when old works or old editions become useless, and new ones are purchased, what is that but a supply or reparation for those purposes,

as strictly as a new boiler to a steam-engine is for the purposes of a manufacturer?

Take, for instance, those most useful and, in the present state of reporting, indispensable publications, the annual and other indexes to the Reports—they must be continually renewed. I have just replaced my Chitty's Equity Index; the old edition is not worth more shillings than it cost pounds; yet the commissioners tell me neither the loss upon the old nor the cost of the new is a sum expended for the purpose of my profession. It would puzzle any one to say for what other purpose it was expended. Everybody knows that upon a law library of moderate extent a hundred pounds is spent and lost in a very few years: to treat that loss as no diminution of professional profits is manifestly absurd; yet the commissioners so construe the act.

A BARRISTER.

## London Gazette.

FRIDAY, APRIL 14.

### BANKRUPTS.

THOMAS ASHLEY, Coleman-street, Camberwell, Surrey, licensed victualler, April 22 at half-past 12, and May 26 at half-past 11, Court of Bankruptcy, London: Off. As. Cannan; Sols. Dimmock & Burby, 2, Suffolk-lane, Cannon-street.—Petition filed April 3.

WILLIAM HENRY DEAN, Fleet-street, London, auctioneer and wine merchant, dealer and chapman, April 25 at half-past 2, and May 23 at 11, Court of Bankruptcy, London: Off. As. Graham; Sol. Levy, 14, Arundel-st., Strand.—Petition filed April 11.

DESIRE LEBLOND, Southwark-bridge-road, Surrey, hat manufacturer, April 22 at half-past 11, and June 3 at half-past 12, Court of Bankruptcy, London: Off. As. Pennell; Sols. Baker & Parson, 9, Pancras-lane.—Petition dated April 11.

HENRY ANSTLEY and WILLIAM WALTON, Birmingham, drapers, April 27 and May 25 at 10, District Court of Bankruptcy, Birmingham: Off. As. Christie; Sols. Mottram & Knight, Birmingham; Sale & Co., Manchester.—Petition dated April 6.

JAMES RISDEN, Camborne, Cornwall, mercer, draper, tailor, dealer and chapman, April 25 and May 15 at 1, District Court of Bankruptcy, Exeter: Off. As. Hirst; Sols. Rooker & Co., Plymouth; Stogdon, Exeter.—Petition filed April 4.

ROBERT ROBERTS, Liverpool, tailor and draper, May 1 and 22 at 11, District Court of Bankruptcy, Liverpool: Off. As. Cazenove; Sols. Thornely & Jevons, Liverpool.—Petition filed April 10.

JOSEPH MOSS, May 1 and 22 at 11, District Court of Bankruptcy, Liverpool: Off. As. Cazenove; Sols. Winstanley & Charnley, Preston; Evans & Son, Liverpool.—Petition filed March 18.

WILLIAM SUTCLIFFE, Enfield, within Clayton-le-Moore, Lancashire, builder, dealer and chapman, April 27 and May 18 at 12, District Court of Bankruptcy, Manchester: Off. As. Hernaman; Sol. Hall, Accrington.—Petition filed March 29.

JOHN WHITAKER ROWBOTTOM, (sometimes trading in the name of John Rowbottom), Halifax, Yorkshire, boiler maker and millwright, dealer and chapman, May 4 and 26 at 11, District Court of Bankruptcy, Leeds: Off. As. Young; Sols. Wavell & Co., Halifax.—Petition dated April 12.

JOHN ROBINSON, Hexham, Northumberland, currier and leather merchant, dealer and chapman, April 25 and May 23 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. As. Baker; Sols. Fleming, Newcastle-upon-Tyne; Bell & Co., Bow-churchyard, London.—Petition filed April 6.

### MEETINGS.

Thomas Minnill, Mansfield, Nottinghamshire, seed merchant, May 12 at 10, District Court of Bankruptcy, Nottingham, pr. d.—Edwin Coltrill, Redditch, Worcestershire, linendraper, May 6 at 10, District Court of Bankruptcy, Bir-



mingham, last ex.—*John Hustable*, Frome Selwood, Somersetshire, silversmith, April 25 at 12, District Court of Bankruptcy, Bristol, last ex.—*L. D. Shields*, Lime-street, London, merchant, April 29 at half-past 11, Court of Bankruptcy, London, and ac.—*James Roberts*, Coal Harbour, Blackwall, Middlesex, wood merchant, April 29 at 12, Court of Bankruptcy, London, and ac.; May 5 at 1, div.—*John Taylor* the younger, Charlton, Kent, builder, April 29 at 12, Court of Bankruptcy, London, and ac.—*T. Eastgate*, Churton-street, Plimlico, and Tothill-st., Westminster, Middlesex, shoe salesman, April 29 at 12, Court of Bankruptcy, London, and ac.—*James Crofts*, Threadneedle-st., London, mine share broker, May 4 at 2, Court of Bankruptcy, London, and ac.—*Francis Paxon*, Bloomsbury-square, Middlesex, scrivener, May 4 at 12, Court of Bankruptcy, London, and ac.—*Wm. Kidston* and *Filmer Kidston*, North-street, Sidney-street, Mile-end, Middlesex, and Liverpool-st., Bishopsgate, London, medical and general fitters, April 25 at 11, Court of Bankruptcy, London, and ac.; May 11 at 11, div.—*Wm. Grand*, Lower Tottenham, Middlesex, builder, May 9 at 12, Court of Bankruptcy, London, and ac.—*Charles Housley*, Broad-street, Golden-square, Middlesex, surgeon, May 9 at 11, Court of Bankruptcy, London, and ac.—*James Evans* and *George Dewey*, Britton Ferry Iron Works, Glamorganshire, iron masters, May 18 at 11, District Court of Bankruptcy, Bristol, and ac.; May 19 at 11, div.—*Wm. Ellis*, Liverpool, printer, April 24 at 11, District Court of Bankruptcy, Liverpool, and ac.—*Edward J. Inchley*, Drayton, Leicestershire, corn dealer, May 4 at 12, District Court of Bankruptcy, Birmingham, and ac.—*John Hodges* and *John F. Hodges*, New Bond-st., Middlesex, hosiers, May 6 at 12, Court of Bankruptcy, London, div.—*Henry Whitmore*, Stockport, Cheshire, tailor, May 6 at 2, Court of Bankruptcy, London, div.—*George Winter* and *James Winter*, Hastings, Sussex, builders, May 9 at 11, Court of Bankruptcy, London, div.—*Moss Samuel*, Castle-street, Houndsditch, London, dealer in watches, May 5 at 1, Court of Bankruptcy, London, div.—*James Gidney*, Nottingham, carrier, May 5 at 10, District Court of Bankruptcy, Nottingham, and ac. and div.—*Robert Lea*, Grantham, Lincolnshire, draper, May 5 at 10, District Court of Bankruptcy, Nottingham, div.—*Philip Jones*, Llangattock, Monmouthshire, banker, May 19 at 11, District Court of Bankruptcy, Bristol, div.—*Wm. Branton*, Bradford, Yorkshire, joiner, May 5 at 11, District Court of Bankruptcy, Leeds, div.—*Wm. Thomas* the younger, Haworth, Yorkshire, worsted spinner, May 5 at 11, District Court of Bankruptcy, Leeds, div.—*Joseph Horne*, Leeds, Yorkshire, dyer, May 5 at 11, District Court of Bankruptcy, Leeds, div.—*Luke Palfreyman*, Sheffield, Yorkshire, scrivener, May 6 at 10, District Court of Bankruptcy, Sheffield, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*George Winter* and *James Winter*, Hastings, Sussex, builders, May 9 at 11, Court of Bankruptcy, London.—*James Paul* the elder, Southsea, Portsmouth, Southampton, brewer, May 5 at half-past 12, Court of Bankruptcy, London.—*George Brooks*, Tunbridge Wells, Kent, tailor, May 5 at 2, Court of Bankruptcy, London.—*Benjamin Parfitt*, Artillery-street, Bermondsey, Surrey, stonemason, May 5 at 12, Court of Bankruptcy, London.—*Charles Housley*, Broad-st., Golden-square, Middlesex, surgeon, May 5 at 11, Court of Bankruptcy, London.—*Thomas Evans*, Manchester, ironmonger, May 8 at 12, (and not April 26, as before advertised), District Court of Bankruptcy, Manchester.—*Robert Hammond*, Ripon, builder, May 5 at 11, District Court of Bankruptcy, Leeds.—*James Dowell*, Birmingham, chemist, May 11 at 10, District Court of Bankruptcy, Birmingham.

To be granted, unless an Appeal be duly entered.

*Wm. H. Dee*, Cambridge, plumber.—*W. Hesketh*, Blackburn, Lancashire, cotton manufacturer.—*James M'Colm*, Manchester, waste dealer.

## SCOTCH SEQUESTRATIONS.

*Thomas Best*, Aberdeen, merchant.—*Angus Macgregor*, Edinburgh, doctor of medicine.—*Wm. Shaw*, Kilsyth, Stirlingshire, manufacturer.—*Robert Graham*, Glasgow, boarding-house keeper.—*Curry, M'Farlane, & Co.*, Glasgow, commission merchants.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Wm. Phipps*, Bristol, coachmaker, May 11 at half-past 10, County Court of Gloucestershire, at Bristol.—*John Stuart*, Bristol, out of business, May 18 at half-past 10, County Court of Gloucestershire, at Bristol.—*Thomas Elliott*, Island of Portland, Dorsetshire, out of employ, May 11 at 10, County Court of Dorsetshire, at Weymouth.—*John Watson Holtum*, St. Dunstan, Kent, licensed victualler, April 25 at 11, County Court of Kent, at Canterbury.—*David Rutherford*, Blackburn, Lancashire, draper, May 1 at 11, County Court of Lancashire, at Blackburn.—*John T. Seear*, Hemel Hempstead, Hertfordshire, shoemaker, April 21 at 11, County Court of Hertfordshire, at St. Albans.—*J. Holles*, Hemel Hempstead, Hertfordshire, April 21 at 11, County Court of Hertfordshire, at St. Albans.—*Francis John Pulley*, St. Albans, Hertfordshire, watchmaker, April 21 at 10, County Court of Hertfordshire, at St. Albans.—*James Cox*, Macclesfield, Cheshire, fishmonger, April 27 at 11, County Court of Cheshire, at Macclesfield.—*Alfred Thomas Plater*, Thame, Oxfordshire, carpenter, April 26 at 12, County Court of Oxfordshire, at Thame.—*L. Ashton*, Ashton-under-Lyne, Lancashire, grocer, April 20 at 12, County Court of Lancashire, at Ashton-under-Lyne.—*W. Wilkins*, Burnham, Somersetshire, coach manufacturer, May 5 at 11, County Court of Somersetshire, at Axbridge.—*Jas. Lawton*, Oldham, Lancashire, grocer, April 21 at 12, County Court of Lancashire, at Oldham.—*Thomas Harrie*, Corsham, Wiltshire, grocer, April 19 at half-past 12, County Court of Wiltshire, at Chippenham.—*Joseph Taman*, Boston, Lincolnshire, tailor, May 4 at 10, County Court of Lincolnshire, at Boston.

The following Persons, who were ordered to be brought up before Mr. Commissioner MURPHY, on April 26, at the Court-house, in Portugal-street, Lincoln's-inn, to be dealt with according to the Statute, will not be heard on their Petitions on that Day, but on April 28 at 10 precisely:—

*James East*.—*Harry Guerin*.—*John Frederick Sherrman*.—*Richard Connor*.—*James Austen*.—*Charles Thos. Butterfield*.—*Henry Pimm*.—*Eliab Blacknell Breton*.—*Thomas Barrett*.—*John Foster*.

Final Orders.—*Peter Charles Burrell*.—*William Robert Wright*.—*Philip Kirkby*.—*Henry Crockett*.—*John Earle*.  
Adjourned.—*Isaac Smith*.—*John Pritchard*.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

May 1 at 11, before the CHIEF COMMISSIONER.

*Thos. Vaux*, Melina-place, Westminster-road, St. George-the-Martyr, Southwark, Surrey, house agent.—*Wm. Charles Harris*, North End, Croydon, Surrey, foreman to a coach-builder.

The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

April 28 at 10, before the CHIEF COMMISSIONER.

*Henry Houghton*, Corrogated-row, Bermondsey, Surrey, out of business.—*Thomas Bristow*, Wardour-street, Soho, Middlesex, dairyman.—*John Trench*, Blacks-road, Bridge-road, and Upper Mall, Hammersmith, Middlesex, engineer.

April 28 at 10, before Mr. Commissioner MURPHY.

*Jonathan Bath*, High-st., Camden-town, Middlesex, retailer of beer.—*John Stone*, Windmill-st., Finsbury-square, Middlesex, cheesemonger.—*John Wallace*, Hays-mews, Berkeley-square, Middlesex, groom.—*George Kitchen*, Greville-street, Hatton-garden, Middlesex, cheesemonger.

April 29 at 11, before Mr. Commissioner PHILLIPS.

*James Knapp* the elder, Summer-cottages, Wistenberg-grove, Clapham, Surrey, out of business.—*Charles Longland*, Britannia-row, Hoxton; High Hill Ferry, Clapton; and Golden-lane, Middlesex, staymaker.—*Thos. Davis*, Princes-st., Bedford-row, Middlesex, milkman.—*Bernad Farding*, Jewry-

st., Minorities, London, master mariner.—*Thos. Francis Pemberton Thompson*, Upper Stamford-street, Blackfriars-road, Surrey, out of business.

May 1 at 10, before the CHIEF COMMISSIONER.

*James Brown*, Wellington-place, Back-road, St. George's-in-the-East, Middlesex, out of business.

May 1 at 11, before Mr. Commissioner PHILLIPS.

*Edwin Powell*, York-place, Portman-square, Middlesex, in no business.

April 25 at 10, before Mr. Commissioner MURPHY.

*Adjourned Hearing.*

*Samuel Wood Graves*, Warwick-street, Fimlico, and St. James's-terrace, Middlesex, gentleman.

*County Court of Lancashire, at Lancaster. Assignees have been appointed in the following Cases:—*

*Wm. Moon*, Preston, out of business, No. 77,731; *James Carr*, assignee.—*Peter Johnstone*, Blackburn, out of business, No. 77,778; *Wm. Jardine*, assignee.—*Wm. Taylor*, Grimshaw-park, Blackburn, earthenware manufacturer, No. 77,763; *George Baron*, assignee.—*Edwin Townley*, Ardwick, Manchester, butter merchant, No. 77,727; *Matthew Newton Welch*, assignee.—*Edward Nicholson Davis*, Manchester, silk manufacturer, No. 77,847; *John Dean*, assignee.—*Jas. Chapman*, Oldham, joiner, No. 77,726; *Thomas Hall*, assignee.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Lancashire, at LANCASTER, April 28 at 12.*

*Peter Donnelly*, Bootle, near Liverpool, stavedore.—*John Winterbottom*, Ashton-under-Lyne, out of business.—*E. P. Downs*, Ashton-under-Lyne, surgeon.—*Thomas Greenhalgh*, Manchester, cotton spinner.—*Jesse Lee*, Bacup, stonemason.—*Edmund Taylor*, Rochdale, cotton-waste spinner.—*Robert Leyland*, Chorley, joiner.—*Joseph Bridge*, Preston, grocer.—*Uriah Booth*, Ashton-under-Lyne, engine driver.—*Joshua Hibbert*, Droylsden, near Manchester, felt maker.—*William Baldwin*, Accrington, out of business.—*Joshua Porrett*, Burnley, out of business.—*Thomas Jones*, Liverpool, painter.—*Matthew Siggs*, Liverpool, agent for the purchase and sale of horses.—*John Bromley*, Ancoats, Manchester, cowkeeper.—*Andrew Chadwick*, Salford, licensed victualler.—*William Morrison*, Liverpool, out of business.—*Edward Turton*, Sheffield, out of business.—*Joseph Charlesworth*, Ardwick, Manchester, fruiterer.—*Alexander Henderson*, Manchester, stationer.—*Joseph Fishwick*, Hulme, Manchester, grocer.—*Jas. Willis*, Little Bolton, Bolton-le-Moors, commission agent.—*Samuel Hope*, Little Bolton, Bolton-le-Moors, brass founder.

*At the County Court of Northumberland, at MORPETH, April 28 at 10.*

*Matthew Hall*, North Shields, butcher.

*At the County Court of Warwickshire, at WARWICK, May 1 at 10.*

*Henry Youell*, Birmingham, out of business.

*At the County Court of Hampshire, at SOUTHAMPTON, May 5.*

*Henry Petty*, Southampton, carpenter.

*At the County Court of Gloucestershire, at BRISTOL, May 4 at half-past 10.*

*Adjourned Hearing.*

*Charles Pickture*, Bristol, furniture broker.

TUESDAY, APRIL 18.

BANKRUPTS.

**JAMES HENRY THOMAS VAUGHAN HUGHES**, Westbourne-grove, Bayswater, Middlesex, chemist, druggist, apothecary, and surgeon, dealer and chapman, April 25 and May 23 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Buchanan, 8, Basinghall-street.—Petition filed April 13.

**CHARLES BRAMER**, Sheffield, Yorkshire, wood dealer, dealer and chapman, April 29 and May 27 at 10, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sol. Ryalls, Sheffield.—Petition dated April 13.

**JOHN SUMMARSELL**, Little York-place, St. Marylebone, Middlesex, carpenter, builder, and undertaker, April 29 and June 3 at 1, Court of Bankruptcy, London: Off. Ass. Pannell; Sols. Hare & Whitfield, 1, Court, Temple.—Petition dated April 11.

MARVINGS.

*John Delaney*, Mark-lane, London, wine merchant, May 3 at 12, Court of Bankruptcy, London, and ac.—*Thos. Davis* and *Wm. W. Garrett*, Rathbone-place, Oxford-street, Middlesex, export oilmen, April 29 at 1, Court of Bankruptcy, London, and ac.—*Joseph Vince*, Great Yarmouth, Norfolk, shoemaker, April 29 at 12, Court of Bankruptcy, London, and ac.—*Thomas William Thame*, Greenwich, Kent, ironmonger, April 29 at 12, Court of Bankruptcy, London, and ac.—*H. Whitmore*, Stockport, Cheshire, tailor, April 29 at 1, Court of Bankruptcy, London, and ac.—*John Bergtheil*, Winchester-buildings, London, merchant, April 29 at 1, Court of Bankruptcy, London, and ac.—*John Kay*, Prestwich, near Manchester, calico manufacturer, May 3 at 12, District Court of Bankruptcy, Manchester, and ac.; May 10 at 12, div.—*James M. Colm*, Manchester, waste dealer, May 1 at 12, District Court of Bankruptcy, Manchester, and ac.—*Robert Rutherford*, St. John's, Newfoundland, merchant, May 9 at 12, District Court of Bankruptcy, Manchester, and ac.; May 10 at 12, div.—*H. Lewis* and *James Hervey*, Halifax, Yorkshire, spirit merchants, April 27 at 11, District Court of Bankruptcy, Leeds, and ac.—*Duncan Jenkins*, Mile-end-road, Middlesex, licensed victualler, May 9 at 11, Court of Bankruptcy, London, div.—*Richard Northover*, Skinner-st., Bishopsgate-street, and Cheapside, London, lint manufacturer, May 9 at 1, Court of Bankruptcy, London, div.—*R. F. Miller*, Hammersmith, Middlesex, coach builder, May 9 at 1, Court of Bankruptcy, London, div.—*Joseph White*, East Cowes, Isle of Wight, Southampton, ship builder, May 9 at 11, Court of Bankruptcy, London, div.—*John Todd*, Newcastle-upon-Tyne, distiller, May 9 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, first and fin. div.

CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*James Cowderoy*, Hammersmith, Middlesex, omnibus proprietor, May 10 at 12, Court of Bankruptcy, London.—*Thomas Ward*, Goswell-street, Middlesex, hosier, May 10 at half-past 1, Court of Bankruptcy, London.—*Wm. Hart*, Chester, banker, May 10 at 12, District Court of Bankruptcy, Manchester.—*John Kay*, Prestwich, near Manchester, calico manufacturer, May 10 at 12, District Court of Bankruptcy, Manchester.

*To be granted, unless an Appeal be duly entered.*

*Richard L. Swallow*, Park-terrace, Battersea-fields, Surrey, licensed victualler.

PARTNERSHIP DISSOLVED.

*Charles Hunt* and *John Hunt Thurgfield*, Wednesbury, Staffordshire, attorneys and solicitors.

SCOTCH SEQUESTRATIONS.

*Wm. Irvine Rowell*, Glasgow, merchant.—*John K. Clark*, Glasgow, merchant.

INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Mary Travis*, Waterloo, Sephton, Lancashire, teacher, April 24 at 10, County Court of Lancashire, at Liverpool.—*George Bowes*, Liverpool, grocer, April 24 at 10, County Court of Lancashire, at Liverpool.—*Thomas O'Neill*, Liverpool, tailor, April 24 at 10, County Court of Lancashire, at Liverpool.—*Richard Fletcher*, Liverpool, lamp manufacturer, April 24 at 10, County Court of Lancashire, at Liverpool.—*Margaret Bonfield*, Liverpool, furniture broker, April 24 at 10, County Court of Lancashire, at Liverpool.—*Edwin Allen*, Berrow, Worcestershire, butcher, May 8 at 10, County Court of Worcestershire, at Upton-upon-Severn.—*Charles Jackson*, Moulsham, Chelmsford, Essex, carpenter, May 10 at 12, County Court of Essex, at Chelmsford.—*Grove Hazleton*, Ingatestone, Essex, hay dealer, May 10 at 12, County Court of Essex, at Chelmsford.—*John Richmond*, St. Andrew-the-Less, Cambridge, baker, April 28 at 10, County Court of Cambridge, at Cambridge.—*George Emery*, Gamlingay, Cam-

bridgeshire, boot maker, April 28 at 10, County Court of Cambridgeshire, at Cambridge.—*John Wihorkson*, Harland, Derbyshire, beer-shop keeper, May 10 at 11, County Court of Derbyshire, at Chesterfield.—*Wm. Linn*, Brighton, Sussex, cabinet maker, April 22 at 10, County Court of Sussex, at Brighton.—*Thomas Brown*, Hove, Sussex, baker, April 22 at 10, County Court of Sussex, at Brighton.—*Walter Triggs*, Chichester, Sussex, whitesmith, May 10 at 11, County Court of Sussex, at Chichester.—*James Bidwell*, Chesterton, Cambridgeshire, tailor, April 28 at 10, County Court of Cambridgeshire, at Cambridge.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*May 3 at 10, before the CHIEF COMMISSIONER.*

*John Herrington*, Grafton-place, Euston-square, Middlesex, dealer in toys.—*Edward A. Bardonseau*, Great Winchester-street, London, clerk to an attorney.—*John T. Carey*, St. Alban's-terrace, Vauxhall-bridge-road, Middlesex, stationary.

*May 3 at 10, before Mr. Commissioner MURPHY.*

*Joseph Bates*, Park-cottages, Old Kent-road, St. Paul's, Deptford, Kent, commission agent.—*Wm. Wood*, Denbigh-street, Fimlico, Middlesex, builder's clerk.—*Richard Holland*, Tower-street, St. George-the-Martyr, Surrey, chandler-shop keeper.—*John A. Reid*, Tabernacle-row, City-road, Middlesex, tailor.—*James W. Williams*, Stonebridge-place, Dalston, Middlesex, merchant's clerk.—*George F. Bennett*, Southampton-street, Camden-town, Middlesex, seal engraver.—*Wm. C. Curry*, Mansion-house-street, Lower Kennington-lane, Lambeth, Surrey, engineer.—*David Lang*, King-street, Covent-garden, Middlesex, dealer in foreign fancy goods.—*S. Bennett*, Goldsmith's-place, Hackney-road, Shoreditch, Middlesex, carpenter.

*May 4 at 11, before Mr. Commissioner PHILLIPS.*

*John William Rattleiff*, Harrison-street, Gray's-inn-road, Middlesex, cab proprietor.—*Wm. Henry Anslow*, Union-st., Borough, Southwark, Surrey, pastrycook.—*G. Snell*, Upton-villas, Upton-road, Downham-road, Kingsland, Middlesex, commander in her Majesty's Navy.—*J. G. Grew*, Union-terrace, Bequigge-wells-road, Middlesex, journeyman to a tea-urn manufacturer.—*J. Walls*, Rich-street, West India-road, Poplar, Middlesex, mat manufacturer.

*Saturday, April 15.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Robert Meikleham*, Park-cottages, Scott's Park, Hammer-smith, Middlesex, publisher, No. 64,128 T.; *Thomas Withey*, assignee.—*John Grice*, Mount-street, Marsh-gate, Lambeth, Surrey, wheelwright, No. 64,136 T.; *Samuel Howship Barrow*, assignee.—*John Marshall*, Park-street, Salford, Lancashire, joiner, No. 77,575 C.; *Peter Wood*, assignee.

*Saturday, April 15.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Edmund Carter*, Charles-street, Portman-street, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Rich. Samuel Jones*, Hayes-court, Leicester-square, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Robert Dyer*, Eden-place, Old Kent-road, Surrey, out of business: in the Queen's Prison.—*Thos. Hobson Heigham*, Abdy-street, St. John's, Horselydown, Surrey, builder: in the Queen's Prison.—*Catherine Mary Ladewig*, Margaret-terrace, Harrow-road, Middlesex, confectioner: in the Queen's Prison.—*Joseph Price*, Barford-terrace, Liverpool-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*William Fisher*, York-place, Vauxhall-bridge-road, Middlesex, lodging-house keeper: in the Queen's Prison.—*William Henderson*, Canterbury-road, Ball's-pond, Middlesex, manufacturing chemist: in the Debtors Prison for London and Middlesex.—*James Wolfe Charlton*,

Regent-square, Gray's-inn-road, Middlesex, clerk in holy orders: in the Debtors Prison for London and Middlesex.—*M. Bromhead*, Leather-lane, Holborn, Middlesex, butcher: in the Debtors Prison for London and Middlesex.—*John Dallor*, Blackfriars-road, Surrey, auctioneer: in the Gaol of Surrey.—*George Thomas Hiller*, Great Cambridge-street, Hackney-road, Middlesex, general merchant: in the Debtors Prison for London and Middlesex.—*John Patrick Somers*, Cambridge-street, Eccleston-square, Fimlico, Middlesex, in no profession: in the Queen's Prison.—*Henry John Hirst*, Grove-road, Brixton, Surrey, not in any trade: in the Queen's Prison.—*Francis John Attfield*, Waterloo-place, Shepherd's-bush, Middlesex, builder: in the Debtors Prison for London and Middlesex.—*David Cockworth*, Broadway, Ludgate-hill, London, grocer: in the Debtors Prison for London and Middlesex.—*Edward Flanagan*, Molyneux-street, Edgeware-road, Middlesex, out of employment: in the Debtors Prison for London and Middlesex.—*Charles Nichols*, Great Portland-st., Oxford-street, Middlesex, house painter: in the Debtors Prison for London and Middlesex.—*Neocles Gaspard Muscatini*, Hunter-street, Brunswick-square, Middlesex, political writer: in the Debtors Prison for London and Middlesex.—*William Thomas Lambert*, Jermyn-street, St. James's, Middlesex, patent medicine vendor: in the Debtors Prison for London and Middlesex.—*T. E. Roper*, Trinity-square, Brixton, Surrey, carpenter: in the Gaol of Surrey.—*J. Willis*, Little Bolton, Bolton-le-Moors, Lancashire, commission agent: in the Gaol of Lancaster.—*E. Turton*, Sheffield, Yorkshire, out of business: in the Gaol of Lancaster.—*M. Siggs*, Liverpool, out of business: in the Gaol of Lancaster.—*Joshua Porrett*, Burnley, Lancashire, tailor: in the Gaol of Lancaster.—*W. Morison*, Everton, Liverpool, out of business: in the Gaol of Lancaster.—*Samuel Hope*, Little Bolton, Bolton-le-Moors, Lancashire, brass founder: in the Gaol of Lancaster.—*Joseph Fishwick*, Hulme, Manchester, grocer: in the Gaol of Lancaster.—*John Thomas*, Upper Boat, Eglwysilan, Glamorganshire, draper: in the Gaol of Cardiff.—*Samuel Thomas*, Canton, near Cardiff, Glamorganshire, out of business: in the Gaol of Cardiff.—*Herbert Lane Sampson*, Yardley, Worcestershire, confectioner: in the Gaol of Coventry.—*Charles Collins*, Coventry, builder: in the Gaol of Warwick.—*Wm. Baldwin*, Accrington, Lancashire, out of business: in the Gaol of Lancaster.—*George Sheard*, West Ardsley, near Wakefield, Yorkshire, publican: in the Gaol of York.—*George Salmon*, Durham, out of business: in the Gaol of Durham.—*John McMillen*, Little Birch, Herefordshire, draper: in the Gaol of Hereford.—*Andrew Chadwick*, Salford, Lancashire, licensed victualler: in the Gaol of Lancaster.—*Frederick Henshaw Cooper*, Wolverhampton, Staffordshire, commission agent: in the Gaol of Stafford.—*Jesse Croeland*, Skipton, Yorkshire, traveller to a tobacconist: in the Gaol of York.—*Richard Wrathall*, Skipton, Yorkshire, grocer: in the Gaol of York.—*S. Broadbent*, North Moor, Oldham, Lancashire, provision-shop keeper: in the Gaol of Lancaster.—*John Dinnot*, Herne, Kent, grocer: in the Gaol of Maidstone.—*Edward Hawkes*, Birmingham, tobacconist: in the Gaol of Coventry.—*Henry Rooke*, Rotherham, Yorkshire, out of business: in the Gaol of York.—*Jas. Stansfield*, Rotherham, Yorkshire, hairdresser: in the Gaol of York.—*Thos. Williams*, Strood, Kent, licensed victualler: in the Gaol of Maidstone.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*May 2 at 10, before Mr. Commissioner MURPHY.*

*Peter Skonfeld*, Croydon, Surrey, tailor.

*May 3 at 10, before the CHIEF COMMISSIONER.*

*Thomas Green*, Parker-street, and Drury-lane, Middlesex, greengrocer.—*Joseph Simpson*, Brookly-st., Liverpool-road, Islington, Middlesex, commercial traveller.

*May 4 at 10, before the CHIEF COMMISSIONER.*

*Sackville Walter Lane Fox*, St. Martin's-le-Grand, London, in no profession.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Kent, at MAIDSTONE, May 2 at 12.*

*Wm. Humphryes*, Milton-next-Gravesend, licensed vic-

smaller.—*Jas. Vincell*, Northfleet Creek, Northfleet, foreman to bakers.—*Ann Hewitt*, Woolwich, out of business.—*Henry John Akers*, Plumstead, out of business.—*Thomas Williams*, Strood, licensed victualler.

*At the County Court of Warwickshire, at COVENTRY, May 3 at 12.*

*Herbert Lane Sampson*, Yardley, confectioner.

#### MEETING.

*James Rawlings*, Blackfriars-road, Surrey, not in any trade, May 10 at 12, at Rooker & Co.'s, Plymouth, Devonshire, sp. aff.

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LONDON, APRIL 29, 1854.

WE continue in this part of THE JURIST the observations which were commenced in a former number, (see ante, p. 122), on the state of procedure in the Court of Chancery.

The next material defect of the Court of Chancery is its want of power directly to compel an act to be done, and its total want of power to give damages.

The Court of Chancery has continually to decide cases in which the question is, whether one person is doing some act in breach of his contract with another person, or another set of persons—as whether a railway company, in building a station on the edge of my meadow, or in throwing up an embankment right in front of my house, or the like, is committing a breach of its parliamentary contract with me, as one of the public. Now, if I can get to the Court of Chancery before the company has done anything material, I may obtain an injunction, and stop them from going on. But if, for any of the thousand reasons that in the business of this world cause delays, I have been

unable to get to the Court before they have completed their work, it passes the power of the Court of Chancery to order them directly to remove it. True, the Court has got into the habit of granting what it terms mandatory injunctions—that is, injunctions restraining a party from continuing to let a thing remain in its existing state; but, independently of the theoretical clumsiness of the expedient, the practical enforcing of such an order is accompanied with so many difficulties, that we believe there is no instance on record of its operating otherwise than by bringing about a compromise. But however that may be, and assuming the mandatory injunction to be fully effective, there has been no attempt to carry it beyond ordering the restoration of things to a pre-existing state: thus, somewhat trifling repairs have been ordered by injunction; (*Lane v. Newdegate*, 10 Ves. 192); so, by injunction, excavations improperly made have been ordered to be filled up. (1 Railw. Cas. 169; *Lord Mexborough v. Bowes*, 7 Beav. 127). But we are not apprised of any attempt to enforce by mandatory injunction the performance of a specific, substantial, and extensive act agreed to be done. Thus, suppose a builder agrees to build a house according to a given plan and specification, there is no rational ground why he should not be compellable to perform that agreement, and no more real difficulty about it than in compelling a man to execute a conveyance; but such an agreement the Court of Chancery has no power specifically to enforce, directly or indirectly.

Now, it seems to us impossible to distinguish, on any sound and rational principle, this class of cases from cases within the ordinary jurisdiction of enforcing spe-

cific performance. A man is as much bound to build a house, if he agrees to do it, as he is to convey his estate, if he has agreed so to do. A company is as much bound to make its railroad on the wide gauge, if it has agreed so to do, as it would be to transfer Columbian bonds, if to do that was the contract; and it is as easy practically to enforce performance of the one contract as of the other. No doubt there are cases of exception, when the Court should abstain from attempting to enforce specific performance, because practically it cannot estimate what is performance, and therefore any order would be a perpetual source of conflict between the law and the subject, derogatory and injurious to the administration of justice. Of this class are the cases of acting, singing, writing a book, and the like. The Court does not attempt to enforce performance of contracts to do these things, not because it would be more beyond its power or more absurd to commit a man for contempt for breaking such a contract than for breaking any other contract, but because it is impossible to ascertain what is willfully breaking such a contract. There is a measure of what is breaking a contract to convey an estate, because what is requisite to be done for conveying it is perfectly well known, and the Court can judge whether the party ordered to convey does or does not do the requisite things. But if Mademoiselle Wagner had been ordered to sing, and she sang a little flat or a little sharp, or a little too fast or a little too slow for the band, or made a few mistakes, or introduced very ill-placed roulades, &c., so that, in effect, her singing would be very unsatisfactory, how could the Court ascertain—on what possible evidence could it ground a conclusion that she had or had not disobeyed the order? So, in the cases in which the Court has said it cannot order a performer to act; the reason is, because the acting is not a measurable thing, of the complete doing or not doing which the Court can form an opinion, and therefore it will not stultify itself by making an order which might be in practice laughed at. But no such difficulty occurs in enforcing a contract—say to build a house or a bridge, according to a given specification. Perfectly satisfactory evidence could be given on such a matter to enable the Court to say whether the thing agreed to be done had been done, and it could therefore just as well enforce its order as it can an injunction, strictly and properly so called.

Next, as to the deficiency of power in the Court of Chancery to give damages. Why it should be oppressed by that infirmity it is difficult to conceive, but so it is. The Court did indeed once attempt it in *Denton v. Stewart*, (see 17 Ves. 276, notes), and that was followed in *Greenaway v. Adams*, (12 Ves. 395). But those cases were substantially overruled by *Todd v. Gee*, (17 Ves. 273), and have never since been treated as of any authority. So that now one has but to satisfy an equity judge that what is asked is damages, or even, as it is termed, sounds in damages, and he is forthwith seized with an equitable horror, which results in the peremptory refusal of the relief asked. Now, the way this works is simply to put the parties to expense, and nothing more. A plaintiff files his bill for specific performance; it turns out that he cannot have it, either from his own conduct or that of the defendant; because,

for instance, he has not so conducted his part of the transaction as to come up to that degree of equity which is required by the Court before it will give what it considers a special aid—a sort of indulgence; or because, perhaps, the defendant has put it out of his own power to perform the contract. In the former case the plaintiff may deserve damages; in the latter he must be deserving of them. But in either case all the Court of equity can do is to dismiss the bill, with or without costs. Then the plaintiff, having, if his bill is dismissed with costs, paid very heavily—if without costs, still heavily, for his mistake in coming to the wrong jurisdiction, goes to the right one, and then obtains damages. Now, why this circuitry should prevail—for what good reason the Court of equity should not in such a case ascertain what is the damage suffered by the plaintiff, and give him what he is fairly entitled to in respect of such damage, nobody can say, except that it has always been so; and we say, the sooner it ceases to be so, the better for the public. Of course, upon the suggestion of such an alteration, as upon the suggestion of every departure from existing practice, objections would be raised.

It will probably be asked, how, by what machinery, is a Court of equity to assess damages? We answer, how does a jury do it? It hears the proof of the facts on which damage is established: it hears evidence to shew the amount of the injury; to shew the merits or demerits of the claimant; to shew everything, in fact, on which a man of common sense comes to the conclusion that the plaintiff has suffered wrong—that his wrong is represented by a given amount of money, and that, if he gets that money, he can no longer complain. Are, then, equity judges denuded of the faculties requisite to go through so simple a process? Are they less able, than the respectable individuals who compose a jury, to understand evidence, and to draw from it a common sense, business-like conclusion? The argument is really too trivial to require for its refutation more than to be stated. The machinery, which is adequate for taking the most intricate accounts, is surely sufficient to ascertain whether any and what damage has been suffered by any party to a suit, by his opponent not having done something that he ought to have done—that is, in any case in which a jury or anybody else could ascertain the damage.

We will conclude by noticing a defect which is rather of the present structure of the Court than in its principles or procedure. We refer to the constitution of the Court of Appeal. The Court of Appeal in Chancery is a sort of dissolving view: sometimes it presents itself as two judges; anon that vanishes, and three appear; then that dissolves itself, and one only is seen. It is not of right that the suitor is heard on appeal by three judges, or even by two. To have three is an indulgence for which he must shew a special ground; and though two habitually do hear appeals, that is not at all of necessity. Now, this results simply from the habitual parsimony of the Legislature in relation to anything that has a useful purpose. The Legislature thought it had done a great thing in adding the two Lords Justices to the strength of the judicial staff in Chancery, and would not go a step further, although it was pointed out at the time, in and out of the

House, that two is about the most inconvenient number that could be selected for an appeal court, for many reasons—one, of itself almost enough, being, that whenever the two judges differ, as in the ordinary course of human events they must not only sometimes, but not unfrequently, there is practically no decision; another reason being, that as no two men are ever found exactly equal intellectually, there is the greatest probability, that when there are two judges, one will habitually more or less influence the other—not intentionally of course, but in fact. The reason why two, and no more, was the number selected, is obvious. It was necessary to have something more than one judge as a permanent Court of Appeal; and to save the expense of even a single judge's salary was no slight object with the Imperial Parliament of Great Britain: therefore the Court was composed of two, *and no more*. That that number is not satisfactory is proved, however, by the continual struggle made by suitors to obtain the presence of the full Court; not a day passes without some application to have a case heard by the full Court, all sorts of pretexts being put forward for this special indulgence—all in general equally flimsy; the real and only ground being, that the suitors feel (or their advisers feel for them, which is the same thing) that a Court composed of three or four judges (and they would prefer four generally to three) is better than a Court composed of two; and they point, and with reason, to the Courts of law, to the Privy Council, and to the House of Lords, as examples of the prevalence in practice, everywhere but in the Court of Chancery, of a Court of Appeal being composed habitually of more than two persons. Thus, we contend, ought the Court of Appeal in Chancery to be constituted—it ought to have at least three, it would be better with four judges; whether they should be all permanent judges, or whether the third and fourth should be drafted for appeals from the other branches of the Court, according to the practice followed in composing the Exchequer Chamber, is a question of detail, with which we do not attempt here to meddle. But on the broad proposition we entertain no doubt, that no appeal should ever be heard by less than three judges.

### Correspondence.

#### THE COUNTY COURTS.

TO THE EDITOR OF "THE JURIST."

SIR,—Towards the close of last year\* I was gratified by your powerful and just remarks on certain evils and abuses which, as you say, have either crept into or were originally incident to county courts. Your able and bold exposition of those evils led me to hope that you would propose some efficient remedy. Perhaps the following imperfect suggestions may stimulate you to do so.

I think, in the first place, that your enumeration of evils is not complete, and probably it was not intended to be so. I may mention a few omissions, without pretending to exhaust the list. You concede to the county courts the merits of convenience, cheapness, and expedition. The convenience of the county court procedure is not always apparent. Take a single instance

—the mode to which the plaintiff is usually limited of reaping the fruit of his judgment. What can be more annoying than the ordinary practice respecting the paying in and getting out of a debt ordered to be paid by instalments? But the principle of ordering payment by instalments at all is grossly absurd and unjust. It is the first duty of the State in matters civil to enforce, as perfectly as may be, the prompt and exact performance of every contract for valuable consideration, which was not immoral or otherwise objectionable on the ground of policy, or unreasonable to a degree implying fraud on the other side at the time of making it. When, by the tests provided by the bankruptcy and insolvency laws, it is ascertained, or believed to be ascertained, that a man is really unable to fulfil all his pecuniary engagements, provision is made for applying his means as far as they will go, and then for discharging him, either absolutely or conditionally, from further liability. Whether this branch of our law is not too lax in favour of debtors I need not now inquire; but I take it to be clear, that when, independently of the bankrupt or insolvent law, a court of justice says to a creditor, after the time agreed for full payment of the debt has passed, "You shall take payment only by so many weekly or monthly instalments," it varies the contract between the parties, either wantonly, or on an assumption of reasons, the existence and cogency of which are never ascertained, and are in fact unascertainable.

We are indebted to the sentimentalists for this sample of paternal government. If the judge is soft-headed, (and therefore supposed to be soft-hearted), the defendant asks for time as a matter of course, and obtains it as a matter of course, unless the judge has some private prejudice or grudge against him, (and experience proves that many of these grandees are much infested by Mordecais). If the judge inquires, he elicits at most an assertion on one side, (usually denied on the other), that the defendant is poor and unable to pay at once, and there the inquiry necessarily ends, the real ability of the defendant being left as doubtful as if the question had never been asked, while the possibly greater need of the plaintiff is regarded as wholly irrelevant. The result is, that in the majority of cases the county court, which is represented to be a court for the convenient and expeditious recovery of debts, acts as a court for the granting of protection to fraudulent debtors, its judgment for deferred payment amounting to protection in the meantime, sufficient to enable the debtor to decamp with his goods, or make them over to some accommodating relation or friend; for the county court, in exercising this kind of bankruptcy jurisdiction, omits the precaution of laying hands on the debtor's assets. If this form of relief is good for the small vulgar debtor, it should be equally good for the genteel one, who, in mental and corporal suffering, often feels a pang as great as when a smith is sued. Indeed, the jurisdiction seems more peculiarly suitable to that class of debtors who are accustomed to cover destitution with a varnish of gentility. I believe that the scamps form a much larger proportion of the defendants in the county courts than they do in the superior courts, because in the lower ranks of life the real circumstances and characters of debtors are less disguised, and consequently it more frequently happens that a creditor feels assured both that his debtor is unable to pay at once, and that he needs no judicial process to compel him to pay as soon as he can. But however that may be, it is an act of improvidence to contract debts without the means or prospect of paying them at the stipulated time; and to release or vary such contracts is, pro tanto, to levy an impolitic as well as an unjust poor-rate on creditors.

What I have said in qualification of your praise of the convenience of these tribunals will also tell

\* See 17 Jur., part 2, p. 467.



against the attribute of expedition. I believe it is well known that they are not always exemplary on the score of cheapness; but I will pass that, and come to the important question of their efficiency. And, first, of the flagrant cases of prejudice and corruption which must have occurred to the observation of all who have had much experience in a variety of the courts. I do not at present refer to any case of pecuniary corruption, but to cases of prandial, choreal, comital, ecclesiastical, and such like interests or predilections. That the "spes cœnatica" often suffices to disturb the balance of justice in the hands of a man supposed to possess an educated soul, (not to mention his income, for non constat that it is not more than effaced by his outgoings), is a sad truth, which it is of no use to ignore. Then there are the opinions which, in a country district, every man who is not a hermit forms as to the character, habits, and means of most of the people about him, including the labourers—opinions picked up for the most part in the college of Rumour. Add all those sources of prejudice suggested by Scott's story of the defeated chess-player, who ultimately enjoyed the satisfaction of checkmating his opponent by condemning him to death from the judgment-seat.

The remedy is obviously that which you suggest. No judge must administer justice in the district where he permanently resides, unless he be a notorious hermit—i.e. live in London. The judges must be itinerant over every part of the country except their own districts. Such an alteration of the system would soon lead to other amendments not unimportant. At present the few county court judges who were originally tolerably well fitted for their office, and who have not suffered much from its deteriorating influence, sustain the reputation of the body. But if the opportunity of experiencing and criticising the qualifications of every individual member of the body in succession were afforded to every district in the kingdom, the lamentable average deficiency would become notorious, and some alteration, with a view to securing better appointments and permanent efficiency, would be insisted on; and then, perhaps, would be seen the necessity of adopting a proposition which at present I expect to be met only with ridicule. The evil is this—that in every judicial qualification the county court judges are, as a body, immensely inferior to the judges of the superior courts. From causes sufficiently obvious, the best men do not seek the appointments; the best of those who would accept them are not generally selected; and the nature of the duty, like that of a police magistrate, tends to deteriorate the functionary. It is not enough to have got rid of the nuisance of jury trial. *The system does not work well, and in large commercial towns this is felt by those who are most affected by it.*

Nothing but extreme poverty can excuse a State from providing an equal amount of judicial efficiency for the dispatch of all its judicial business. If I lose 20*l.* by an erroneous decision, I find no consolation in reflecting, that if 60*l.* had been in question, I might have had a better judge. The question of expense in this case is no question at all; and here I would throw in the teeth of the Legislature the cost of their palace, and of its ventilation, if that missile had not been already so freely used by other projectors. Let the number of puisne judges be increased to seventy or seventy-five; let them interchange their districts at intervals of six or nine months, holding frequent sittings, according to the present county court practice, but at such sittings taking the *whole of the civil business of the district*, subject to regulations for the separate hearing of cases not argued by counsel; and let them in rotation sit in banco. We shall thus at once elevate the county courts, secure their judges from deterioration, raise the standard of the Bar, and greatly facilitate the trial of those civil cases which are now excluded from the county courts.

It is impossible that a judge can long retain a clear judgment in questions either of evidence, of law, or of what is called natural justice, if he is confined to petty cases, and is not kept up to the mark by an efficient Bar. It is impossible, in short, that any person can long retain his respectability in any walk of life where he is not encountered by his equals. The cock of the walk proverbially deteriorates. We are all conscious of an illiberal (but not unphilosophical) conviction that schoolmasters cannot be gentlemen, which makes us discredit the legend of Tyrtæus, and receive that of Dr. Arnold *cum grano*. In the business and the bar of the superior courts the judges meet their equals, and are bettered by them. T.

## COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.

The Lord Chancellor, under the powers of the 16 & 17 Vict. c. 78, intituled "An Act relating to the Appointment of Persons to administer Oaths in Chancery, and to Affidavits made for Purposes connected with Registration," has appointed the following gentlemen to be Commissioners for administering Oaths in Chancery:—

### To be London Commissioners.

Laurence Desborough, 6, Sise-lane, City.  
William Benford Nelson, 11, Essex-street, Strand.  
John Stephen Spindler Hopwood, 47, Chancery-lane.  
John Vincent, 4, Inner Temple-lane, Temple.  
Richard Henry Witty, 21, Essex-street, Strand.  
Walter Southwood, 30, Somerset-street, Portman-square.  
Richard Nation, 4, Orchard-street, Portman-square.  
Murray Maxwell Johnson, 20, Austin-friars, City.

### To be Commissioners in England.

Charles William Hunter, Derby.  
Benjamin Morley Clough, Worksop, Nottinghamshire.  
George Brindley Acworth, Rochester, Kent.  
William Payn, Birmingham.

## London Gazettes.

FRIDAY, APRIL 21.

### BANKRUPTS.

GEORGE HARTSHORNE and GEORGE HARTSHORNE the younger, Great Dover-street, Southwark, Surrey, ironmongers, dealers and chapmen, May 5 at 1, and May 30 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Gray, 25, Great Tower-street, London.—Petition filed April 19.

FREDERICK WILLIAM WRIGHT, Brighton, Sussex, chemist and druggist, May 2 at 2, and May 26 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Goren, 29, South Molton-street, Oxford-street, London.—Petition filed April 15.

SAMUEL CLARKSON PETERS, Southampton, draper, dealer and chapman, May 2 at half-past 2, and May 29 at 1, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Van Sandau & Cumming, 27, King-street, Cheapside, London.—Petition filed April 12.

JOHN AMEY, late of Brighton, Sussex, grocer, and now of West Tarring, Sussex, market gardener, dealer and chapman, May 2 at 12, and May 30 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury, London.—Petition filed April 5.

WILLIAM GEORGE TRANGMAR and JOHN TRANGMAR, Brighton and Shoreham, Sussex, grocers, dealers and chapmen, April 29 at 1, and June 2 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Kennett, Brighton; Sowton, 6, Great James-street, Bedford-row, London.—Petition dated April 15.

**BENJAMIN REDHEAD WAITE**, Wormwood-street, London, butcher, April 28 at 2, and June 2 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Hill & Matthews, 1, Bury-court, St. Mary Axe; Jenkinson & Co., 29, Lombard-street, City.—Petition filed April 19.

**GEORGE LAWRENCE**, Abingdon, Berkshire, saddler and harness maker; Sunningwell, Berkshire, brick maker, lime-burner, and farmer; and Culham, Oxfordshire, brick maker and limeburner, April 29 and June 2 at half-past 1, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Sedgefield, Abingdon, Berkshire; Staniland & Co., 30, Bouverie-street, Fleet-street, London.—Petition filed April 15.

**THOMAS WALTERS**, Goswell-road, Middlesex, grocer and tea dealer, dealer and chapman, May 2 at 12, and May 30 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Wright & Bonner, London-street, Fenchurch-street.—Petition filed April 10.

**CHARLES BIRCHALL**, Maidstone, Kent, pipe manufacturer, dealer in cigars, dealer and chapman, May 1 at half-past 11, and May 30 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Hughes, St. Swithin's-lane, London.—Petition filed April 19.

**CHARLES EDWARD MALLAM**, Tunbridge Wells, Kent, innkeeper, licensed victualler, dealer and chapman, May 3 at 2, and June 3 at half-past 2, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Cripps, Tunbridge Wells; Depree & Austin, 9, Lawrence-lane, London.—Petition dated April 5.

**PETER PERRING THOMS**, Warwick-square, Newgate-street, London, printer and stereotyper, May 3 at half-past 1, and June 3 at 2, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Pagden & Hodgkinson, 71, Mark-lane.—Petition dated April 12.

**HENRY CRANE**, Dudley, Worcestershire, grocer and innkeeper, dealer and chapman, May 4 and 25 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Boddington, Dudley.—Petition dated April 13.

**CHARLES THOMAS**, Gloucester, stationer and musical instrument dealer, May 2 and 30 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Lovegrove, Gloucester; Abbot & Lucas, Bristol.—Petition filed April 10.

**HENRY EVAN HARRIES**, Tredegar, Monmouthshire, draper, May 2 and 30 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Brookes, Manchester; Stanley & Wasbrough, Bristol.—Petition filed April 10.

**JOHN DENBIGH**, Bradford, Yorkshire, woolstapler, dealer and chapman, May 4 and June 2 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Terry & Watson, Bradford; Bond & Barwick, Leeds.—Petition dated and filed April 19.

**THOMAS CLEMENTS**, St. Helens, Lancashire, grocer, May 4 and 25 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Evans & Son, Liverpool.—Petition filed April 12.

**ROBERT WILLIAMS**, Mold, Flintshire, draper, May 4 and 25 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Evans & Son, Liverpool.—Petition filed April 19.

**HENRY CARTER**, Liverpool, brewer, dealer and chapman, May 2 and 24 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Littledale & Bardswell, Liverpool.—Petition filed April 13.

**ELIAS MOLYNEUX**, Liverpool, tavern keeper, dealer and chapman, May 2 at 11, and June 7 at 1, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Anderson & Collins, Liverpool.—Petition filed April 12.

**JOHN PHILLIPS BRIERLY**, **SCHOLES BRIERLY**, and **GEORGE BRIERLY**, Oldham, Lancashire, cotton spinners, (trading under the firm of Brierly, Brothers), May 4 and 25 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sols. Rowley & Son, Manchester.—Petition filed April 7.

#### MEETINGS.

*Edward Cahan* and *James Vicat* the younger, Strand, Middlesex, tailors, May 2 at 11, Court of Bankruptcy, London, aud. ac.—*Alfred Eyre*, Norland-square, Notting-hill, Middlesex, merchant, May 16 at 11, Court of Bankruptcy, London, aud. ac.—*James Turner*, Whitechapel High-street, and John's-row, St. Luke's, Middlesex, cheesemonger, May 1 at

12, Court of Bankruptcy, London, aud. ac.—*Richard Westbrook*, Laurie-terrace, New-cross, Deptford, Kent, hay dealer, May 1 at 12, Court of Bankruptcy, London, aud. ac.—*William Brook*, Manchester, stuff merchant and warehouseman, May 8 at 12, District Court of Bankruptcy, Manchester, aud. ac.; May 15 at 12, div.—*Wm. Falla*, Hulme, Lancashire, builder, May 4 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Joseph Horne*, Leeds, Yorkshire, dyer, May 4 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Wm. Brunton*, Bradford, Yorkshire, joiner and builder, May 4 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Luke Palfreyman*, Sheffield, Yorkshire, scrivener, May 6 at 10, District Court of Bankruptcy, Sheffield, aud. ac.—*Wm. Thomas* the younger, Haworth, Yorkshire, worsted spinner, May 4 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*John Hunter*, Hove, Sussex, cowkeeper, May 16 at half-past 11, Court of Bankruptcy, London, div.—*Wm. Hartridge*, Milton-next-Sittingbourne, Kent, draper, May 18 at 11, Court of Bankruptcy, London, div.—*John Delaney*, Mark-lane, London, wine merchant, May 15 at 1, Court of Bankruptcy, London, div.—*Henry Rimington Tickell*, Mark-lane, London, and Roydon, Essex, brewer, May 15 at 1, Court of Bankruptcy, London, div.—*John Winter*, Sandhurst, Kent, builder, May 15 at half-past 2, Court of Bankruptcy, London, div.—*James Kingston*, Reading, Berkshire, draper, May 15 at half-past 2, Court of Bankruptcy, London, div.—*Benjamin Parfitt*, Artillery-street, Bermondsey, Surrey, stonemason, May 12 at 11, Court of Bankruptcy, London, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Wm. Miles*, King's Lynn, Norfolk, shipowner, May 12 at 2, Court of Bankruptcy, London.—*Jas. Stephenson*, Arbour-terrace, Commercial-road, Middlesex, draper, May 16 at 11, Court of Bankruptcy, London.—*W. Houghton*, Kennington Oval, Lambeth, Surrey, licensed victualler, May 16 at 12, Court of Bankruptcy, London.—*John Perrett* and *Charles Garlon*, Bristol, maltsters, May 23 at 11, District Court of Bankruptcy, Bristol.

*To be granted, unless an Appeal be duly entered.*

*Henry Allen*, Bristol, chemist.

#### FIAT ANNULLED.

*Thos. Langridge*, Tunbridge Wells, Kent, auctioneer.

#### PETITION DISMISSED.

*William Henry Cooper*, Great James-street, Bedford-row, Middlesex, upholsterer.

#### SCOTCH SEQUESTRATIONS.

*Third, Adams & Co.*, Glasgow, warehousemen.—*George McDonald*, Teawig, Ross-shire, farmer.—*Cruikshank & Brown*, Glasgow, tailors.—*James Wagstaff*, Paisley, dyer.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Henry Marshall*, Bristol, teacher of dancing, April 27 at 11, County Court of Gloucestershire, at Bristol.—*Thos. Bicknell*, Bristol, retail brewer, April 27 at half-past 10, County Court of Gloucestershire, at Bristol.—*William Drew*, Montacute, Somersetshire, tailor, May 10 at half-past 10, County Court of Somersetshire, at Yeovil.—*W. Dean*, Hambleton, Buckinghamshire, out of business, May 11 at 10, County Court of Berkshire, at Reading.—*Richard Balshaw*, Farnworth, Lancashire, beer-seller, May 3 at 12, County Court of Lancashire, at St. Helens.—*William Allison*, Great Grimsby, Lincolnshire, lath render, May 11 at 12, County Court of Lincolnshire, at Great Grimsby.—*Richard Thompson*, Gillingham, Kent, retired captain from her Majesty's 51st regiment, May 4 at 10, County Court of Kent, at Rochester.—*Charles Lee*, Bristol, painter, April 27 at half-past 10, County Court of Gloucestershire, at Bristol.—*Chas. Harding*, Colehill, Dorsetshire, out of business, May 13 at 10, County Court of Dorsetshire, at Wimborne Minster.—*J. Wrigley*, Salford, Lancashire, bookkeeper, May 16 at 10, County Court of Lancashire, at Salford.—*Enoch Leighton*, West Bromwich, Staffordshire, licensed brewer, April 29 at 9, County Court of Staffordshire, at Oldbury.—*Henry Barnes*, Eccles, Lancashire, model maker, May 16 at 10, County Court of Lanca-

shire, at Salford.—*Joseph Beardsley*, Nottingham, grocer, May 9 at 9, County Court of Nottinghamshire, at Nottingham.—*Joseph Poole*, Nottingham, baker, May 9 at 9, County Court of Nottinghamshire, at Nottingham.—*George Bellamy*, Nottingham, out of business, May 10 at 10, County Court of Nottinghamshire, at Bingham.—*Edward Stevenson*, Sneinton, Nottinghamshire, licensed hawk, May 9 at 9, County Court of Nottinghamshire, at Nottingham.—*William Hardwick*, Northampton, beer seller, May 10 at 10, County Court of Northamptonshire, at Northampton.—*Edmund Dawson*, Leicester, dealer in earthenware, May 10 at 10, County Court of Leicestershire, at Leicester.—*Wm. Ellis*, Leicester, licensed victualler, May 10 at 10, County Court of Leicestershire, at Leicester.—*Benjamin Hames*, Leicester, butcher, May 10 at 10, County Court of Leicestershire, at Leicester.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*May 5 at 10, before the CHIEF COMMISSIONER.*

*John Burley Teale*, Ferry-road, Millwall, Isle of Dogs, Poplar, Middlesex, baker.—*Sophia Atkinson*, widow, Belmont-row, Nine Elms-lane, Vauxhall, Surrey, licensed retailer of beer.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*May 5 at 10, before the CHIEF COMMISSIONER.*

*George Ernest Ibbetson*, Howland-street, Fitzroy-square, Middlesex, out of business.—*Frederick William Rudkin*, Seymour-place, Euston-square, Middlesex, coal merchant.

*May 5 at 10, before Mr. Commissioner MURPHY.*

*William Lucas*, Bridge-street, Great George-street, Bermondsey, Surrey, beer seller.

*May 6 at 11, before Mr. Commissioner PHILLIPS.*

*Timothy Stafford*, South-st., King's-road, Chelsea, Middlesex, manufacturer of clocks.

*May 8 at 11, before the CHIEF COMMISSIONER.*

*William Henry Smith*, Glengal-grove, Old Kent-road, Surrey, out of business.

*May 8 at 11, before Mr. Commissioner PHILLIPS.*

*James Cortland Trotter*, Sloane-terrace, Sloane-street, Chelsea, Middlesex, not in any business.—*Thomas Carter*, New Town, Castle Church, Staffordshire, out of business.—*R. S. Jones*, Hayes-court, Leicester-square, Middlesex, out of business.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Dorsetshire, at DORCHESTER, May 9 at 12.*

*James Cutler*, Buckland Newton, innkeeper.

*At the County Court of Northamptonshire, at NORTHAMPTON, May 10.*

*Ephraim Chamberlain*, Moulton, near Northampton, attorney's clerk.

*At the County Court of Herefordshire, at HEREFORD, May 18.*

*John Mc Mullen*, Little Birch, draper.

## TUESDAY, APRIL 25.

### BANKRUPTS.

**JOHN STAPP**, Snow-hill, London, wholesale cheesemonger, dealer and chapman, (trading under the firm of John Stapp & Son), May 4 at half-past 11, and June 8 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. De Jersey, 2, St. Ann's-lane, Aldersgate.—Petition filed April 22.

**MARY LONG**, Clifton, Bristol, hotel keeper, May 8 and June 6 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Abbott & Lucas, Bristol.—Petition filed April 20.

**DUNCAN MEARNS MAITLAND**, Finchley, Middlesex, wine merchant, dealer and chapman, May 6 and June 3 at 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Lawrance & Co., 14, Old Jewry Chambers, London.—Petition dated April 20.

**JOSEPH TOMS**, Exeter, builder, May 3 and June 1 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Stogdon, Exeter.—Petition filed April 20.

**WILLIAM SHUTTLEWORTH**, Bradford, Yorkshire, stuff manufacturer, dealer and chapman, May 9 at 11, and May 30 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Bentley & Wood, Bradford; Cariss & Cudworth, Leeds.—Petition dated April 15.

### MEETINGS.

*George Lambourn*, Taplow, Buckinghamshire, timber merchant, May 15 at 12, Court of Bankruptcy, London, last ex.—*Thomas Green Crofts*, Leicester, draper, May 5 at 10, District Court of Bankruptcy, Nottingham, last ex.—*James Kingston*, Reading, Berkshire, draper, May 10 at 12, Court of Bankruptcy, London, and ac.—*Job Eggleston*, St. Albans, Hertfordshire, licensed victualler, May 10 at 1, Court of Bankruptcy, London, and ac.—*Henry Rivington Tickell*, Mark-lane, London, and Roydon, Essex, brewer, May 10 at 12, Court of Bankruptcy, London, and ac.—*Henry Kirk*, Portland-terrace, St. John's-wood, Middlesex, hay dealer, May 17 at 12, Court of Bankruptcy, London, and ac.—*James Wilks*, Crimscott-st., Bermondsey, Surrey, wheelwright, May 16 at 11, Court of Bankruptcy, London, and ac.; May 19 at 11, div.—*B. Parfitt*, Artillery-st., Bermondsey, Surrey, stone-mason, May 5 at 12, Court of Bankruptcy, London, and ac.—*Wm. Inchley*, Drayton, Leicestershire, coal dealer, May 4 at 10, District Court of Bankruptcy, Birmingham, and ac.—*Wm. Creebo* and *John Hay*, Mount-street, Lambeth, Surrey, tailors, May 18 at 2, Court of Bankruptcy, London, div.—*George Jackson*, Hertford, upholsterer, May 19 at 11, Court of Bankruptcy, London, fin. div.—*James Johnson*, High-st., Bloomsbury, Middlesex, bookseller, May 19 at 11, Court of Bankruptcy, London, div.—*James Rudge*, Corn Exchange, Mark-lane, London, and Harkers-road, Peckham, Surrey, merchant, May 19 at 11, Court of Bankruptcy, London, fin. div.—*Charles Poile*, Rye, Sussex, merchant, May 16 at 12, Court of Bankruptcy, London, div.—*Wm. Skeath*, Davies-street, Berkeley-square, Middlesex, saddler, May 19 at 11, Court of Bankruptcy, London, fin. div.—*Albert Hardwick*, Windsor, Berkshire, linendraper, May 16 at 1, Court of Bankruptcy, London, div.—*Wm. Heskeith*, Blackburn, Lancashire, cotton manufacturer, May 17 at 12, District Court of Bankruptcy, Manchester, div.

### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*John Dent*, Queen's-road, Homerton, Middlesex, carpenter, May 23 at half-past 12, Court of Bankruptcy, London.—*James Richardson*, *John Sanders Wicks*, and *Henry Smith*, Upper Queen's-buildings, Brompton, Middlesex, upholsterers, May 17 at 12, Court of Bankruptcy, London.—*Philip Oliver*, Edward-square, Brompton, Middlesex, and Llanbadarnfwr, Cardiganshire, dealer in mining shares, May 17 at 1, Court of Bankruptcy, London.—*Francis Salter*, York-place and Tredgar-square, Mile-end, Middlesex, doctor of medicine, May 17 at half-past 1, Court of Bankruptcy, London.—*S. Godfrey Moulton Scowen*, Wood-street, Cheapside, London, warehouseman, May 17 at 2, Court of Bankruptcy, London.—*Charles Clarke*, Norwich, maltster, May 20 at half-past 12, Court of Bankruptcy, London.—*Wm. Legh*, New Windsor, Berkshire, wine merchant, May 17 at half-past 11, Court of Bankruptcy, London.—*Walter Fitch Hart*, Brighton and Worthing, Sussex, tailor, May 17 at 1, Court of Bankruptcy, London.—*Frederick Scudamore Robinson*, Bloomsbury-square, Middlesex, dealer in patent medicines, May 17 at 12, Court of Bankruptcy, London.—*Robert Mulock Wright* and *Joseph Smith Austie*, Broken Wharf, Upper Thames-street, London, drysalers, May 17 at 11, Court of Bankruptcy, London.—*Lucy Martin*, Teignmouth, Devonshire, baker, May 25 at 1, District Court of Bankruptcy, Exeter.—*Thomas Honey*, Launceston, Cornwall, grocer, May 15 at 1, District Court of Bankruptcy, Exeter.—*Joseph Head*, Exeter, silversmith, May 25 at 1, District Court of Bankruptcy, Exeter.

*To be granted, unless an Appeal be duly entered.*

**Edward Balding**, Speenhamland, Speen, Berkshire, builder.  
—**Duncan Jenkins**, Mile-end-road, Middlesex, licensed victualler.—**Mary Ann Thomas**, Upper King-st., Bloomsbury, and Green-st., Theobald's-road, Middlesex, builder.—**Thos. Eastgate**, Churton-street, Pimlico, and Tothill-street, Westminster, Middlesex, shoe salesman.—**George Killich Kent**, Taunton, Somersetshire, plumber.

#### PARTNERSHIPS DISSOLVED.

**Edmund Barley**, **F. James Wise**, and **Robert Dowburn** the younger, Marsh, Isle of Ely, Cambridgeshire, attorneys and solicitors, (so far as concerns the said **Edmund Barley**).—**J. Kideon** and **Henry Dixon**, Sunderland, Durham, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

**James Horn**, Greenock, painter.—**John Abercromby Ross**, Glasgow, china and stoneware merchant.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

**John Wilcockson**, Haaland, Derbyshire, beer-shop keeper, May 10 at 11, County Court of Derbyshire, at Chesterfield.—**Geo. Brittain**, Newcastle-upon-Tyne, cabinet maker, May 11 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—**R. Cowan**, Newcastle-upon-Tyne, bookbinder, May 11 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—**C. James Vyner**, Nantwich, Cheshire, clerk to a solicitor, April 27 at 11, County Court of Cheshire, at Nantwich.—**William Cotes**, Warmbrook, Wirksworth, Derbyshire, auctioneer, May 3 at 11, County Court of Derbyshire, at Wirksworth.—**Wm. Haggelt**, Hazelbury Plucknett, Somersetshire, baker, May 11 at 11, County Court of Somersetshire, at Crewkerne.—**George Sydney Davies**, Crickhowell, Brecknockshire, attorney, May 4 at 11, County Court of Brecknockshire, at Crickhowell.—**John Harris**, Courty Gallen, Brecknockshire, coachman, May 4 at 11, County Court of Brecknockshire, at Crickhowell.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*May 10 at 10, before the CHIEF COMMISSIONER.*

**Wm. Hes**, Merton, Surrey, shoemaker.—**James Ward**, John-street, Portland-town, St. Marylebone, Middlesex, dealer in milk.

*May 10 at 10, before Mr. Commissioner MURPHY.*

**Edward Oliver**, Dorset-place, Pall-mall East, Middlesex, carpenter.—**James Goulds** the younger, Blenheim-st., Marlborough-street, Oxford-street, Middlesex, working upholsterer.—**D. P. Neale**, Guildford, Surrey, attorney's clerk.—**John Austen**, Thayer-street, Manchester-square, Middlesex, linen-draper.—**Thomas Hills**, Three Colt-lane, Bethnal-green, Middlesex, baker.—**John Skaff**, Sydney-place, Clapham-road, Lambeth, Surrey, accountant to a bookseller.

*May 11 at 11, before Mr. Commissioner PHILLIPS.*

**Thomas Pain**, Ham-common, Ham, near Kingston, Surrey, builder.—**George Fisher**, Millfield-cottage, Tanner's-end, Edmon-ton, Middlesex, varnish manufacturer.—**John Marsh**, King David-lane, Shadwell, Middlesex, confectioner.—**John Morris**, Surrey-cottages, Surrey-square, Old Kent-road, Newington, Surrey, out of business.—**Jane E. Hunt**, widow, Lower Tooting, Surrey, not in any business.—**William Weller** the younger, Dean's Farm, Chipstead Bottom, near Reigate, Surrey, farmer.—**George M. Jacques**, Hush-court, Water-lane, Blackfriars, London, auctioneer.—**Thomas Howell**, Hackney-grove, Hackney, Middlesex, clerk to the East London Water-works Company.—**Lewis Alexander**, Guildford-street East, Clerkenwell, Middlesex, furniture dealer.—**James F. Bristol**, Pitt's-place, Old Kent-road, Surrey, out of business.

*Saturday, April 22.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

**John C. F. C. Young**, Lower Chapman-street, Commer-

cial-road, Middlesex, yeoman, No. 51,285 T.; **Charles Cunningham**, new assignee; **T. Edwards**, late assignee, deceased.—**Wm. B. Heighon**, Spring-garden-place, Pimlico, Middlesex, out of business, No. 64,196 T.; **Richard Painter**, assignee.—**John Morgan**, Hereford, builder, No. 77,192 C.; **H. M. Hooper**, assignee.—**George Shaw**, Lockwood, near Huddersfield, Yorkshire, out of business, No. 77,341 C.; **John Haigh** and **Joseph Taylor**, assignees.—**A. Levick**, York, out of business, No. 77,426 C.; **M. Fagan**, assignee.—**John Thorpe**, Sheffield, Yorkshire, out of business, No. 77,588 C.; **Mathew Wilson**, assignee.—**Wm. Nott**, Exeter, Devonshire, nurseryman, No. 77,715 C.; **Henry Addiscott**, assignee.—**Richard Whittle**, North Shields, Northumberland, innkeeper, No. 77,638 C.; **J. T. B. Tinley** and **J. A. Potts**, assignees.—**J. Hart**, Brighton, Sussex, retailer of beer, No. 77,742 C.; **R. Thrupp**, assignee.—**Henry Hutton**, Bradford, Yorkshire, out of business, No. 77,793 C.; **George Brooke**, assignee.—**F. Maude**, York, out of business, No. 77,796 C.; **James Millington** and **D. Ward**, assignees.—**T. Baker**, Coate, Martock, near Ilminster, Somersetshire, labourer, No. 69,225 C.; **H. Cole**, assignee.

*Saturday, April 22.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

**C. Musgrave**, Upper Eaton-street, Pimlico, Middlesex, clerk in the Inland Revenue Office: in the Queen's Prison.—**Michael Merigan**, Daly's-place, South-street, Isaleworth, Middlesex, following no occupation: in the Gaol of Surrey.—**J. G. Toon**, Aske-street, Hoxton, Middlesex, cabinet maker: in the Debtors Prison for London and Middlesex.—**Samuel Hinde**, Harewood-street, Harewood-square, Middlesex, law student: in the Queen's Prison.—**C. Warwick** the younger, Albert-cottage, Cowley-road, Brixton, Surrey, merchant's clerk: in the Debtors Prison for London and Middlesex.—**Wm. J. Hughes**, Sloano-street, Chelsea, Middlesex, civil engineer: in the Debtors Prison for London and Middlesex.—**Joseph Wells**, Lee, Kent, coachmaker: in the Debtors Prison for London and Middlesex.—**James Castle**, Helmet-row, St. Luke's, Middlesex, baker: in the Debtors Prison for London and Middlesex.—**Charles W. Davies**, Southwark-bridge-road, Surrey, out of business: in the Queen's Prison.—**George Yasley**, Bridge-row, Pimlico, Middlesex, smith: in the Debtors Prison for London and Middlesex.—**T. Lloyd**, Fleet-street, London, out of business: in the Gaol of Surrey.—**Wm. L. Browne**, Smith-street, Chelsea, Middlesex, clerk in the Audit Office, Somerset House: in the Debtors Prison for London and Middlesex.—**Edmund Biddy**, Durham, rope manufacturer: in the Gaol of Durham.—**Benjamin Stych**, Birmingham, pressed tool maker: in the Gaol of Coventry.—**R. Peeverell**, Newcastle-upon-Tyne, commission agent: in the Gaol of Newcastle-upon-Tyne.—**William Smalley**, Burnley, Lancashire, out of business: in the Gaol of Lancaster.—**Wm. P. Westley**, Liverpool, clerk in her Majesty's Customs: in the Gaol of Lancaster.—**John F. Lepton**, Sheffield, Yorkshire, out of business: in the Gaol of York.—**John Chaffers**, New Wortley, near Leeds, Yorkshire, cabinet maker: in the Gaol of York.—**Henry S. Garforth**, Bradford, Yorkshire, out of business: in the Gaol of York.—**Thomas Bagnall**, Birmingham, out of business: in the Gaol of Coventry.—**Thomas Poinson**, Birmingham, road contractor: in the Gaol of Worcester.—**Thomas Marshall**, Cherry Willingham, near Lincoln, Lincolnshire, in no business: in the Gaol of Lincoln.—**Thomas Balthage**, Birmingham, retail brewer: in the Gaol of Coventry.—**William Richardson**, Manchester, provision dealer: in the Gaol of Lancaster.—**Lister Bradley**, Guseley, near Otley, Yorkshire, woollen cloth manufacturer: in the Gaol of York.—**George Anderson**, West Kinnid Ferry, Owston, Isle of Axholme, Lincolnshire, labourer: in the Gaol of Lincoln.—**James Thorley**, Manchester, mechanic: in the Gaol of Lancaster.—**Henry Atherley**, Manchester, out of business: in the Gaol of Lancaster.—**John Hulm**, Liverpool, out of business: in the Gaol of Lancaster.—**Michael N. Kennedy**, Manchester, ivory turner: in the Gaol of Lancaster.—**James Broad**, Preston, Lancashire, coal dealer: in the Gaol of Lancaster.—**Benjamin Brown**, Bolton-le-Moors, Lancashire, licensed victualler: in the Gaol of Lancaster.—**John Speakman**, Bolton-le-Moors, Lancashire, sausage manufacturer: in the Gaol of Lancaster.—**Christopher Bibby**, Over Darwen, Lancashire, shoemaker: in the Gaol of Lancaster.—**John McCarthy**,

Manchester, grocer: in the Gaol of Lancaster.—*John Whitehead*, Manchester, marine store dealer: in the Gaol of Lancaster.—*Wm. Chadwick*, Manchester, out of business: in the Gaol of Lancaster.—*Thomas Pickles*, Lea, near Preston, Lancashire, licensed victualler: in the Gaol of Lancaster.—*N. Whewell*, Oswaldtwistle, near Blackburn, Lancashire, grocer: in the Gaol of Lancaster.—*Wm. Wildman*, Skerton, Lancashire, out of business: in the Gaol of Lancaster.—*George Rankin*, Naas, Kildare, Ireland, grocer: in the Gaol of Lancaster.—*Susanna Sherwill*, Crediton, Devonshire, innkeeper: in the Gaol of St. Thomas-the-Apostle, Devonshire.—*Charles Wakeford*, Brighton, Sussex, out of business: in the Gaol of Lewes.—*Edwin Newman*, Weston Zoyland, Somersetshire, miller: in the Gaol of Bristol.—*Robert Leaver*, Great Coxwell, Berkshire, baker: in the Gaol of Reading.—*Charles Mace*, Thorpe-le-Soken, Essex, assistant to a grocer: in the Gaol of Springfield.—*Thomas Clement*, Leeds, Yorkshire, licensed victualler: in the Gaol of York.—*John Pease*, Plymouth, Devonshire, hatter: in the Gaol of St. Thomas-the-Apostle, Devonshire.

(On Creditor's Petition).

*Wm. Stapleton*, North Tamerton, Cornwall, yeoman: in the Gaol of Bodmin.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

May 9 at 10, before Mr. Commissioner MURPHY.

*Thomas Kinner*, New-inn, Old Bailey, London, general carriers' agent.—*Robert Dyer*, Eden-place, Old Kent-road, Surrey, out of business.—*John Doggett*, Old Church-street, Edgeware-road, Middlesex, out of business.—*Richard Deacon Dodge*, Cheapside, London, out of business.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Essex, at CHELMSFORD, May 10 at 12.*

*William Abbott*, West Ham, shoemaker.—*Charles Mace*, Thorpe-le-Soken, assistant to a grocer.

*At the County Court of Worcestershire, at WORCESTER, May 10 at 10.*

*John Skerratt*, Knighton, Lindridge, out of business.—*Thomas Pointon*, Birmingham, road contractor.

*At the County Court of Berkshire, at READING, May 11.*

*Robert Leaver*, Great Coxwell, baker.

*At the County Court of Northumberland, at NEWCASTLE, May 11 at 10.*

*William Cameron*, Newcastle-upon-Tyne, confectioner.—*Richard Percerall*, Newcastle-upon-Tyne, grocer.

*At the County Court of Yorkshire, at KINGSTON-UPON-HULL, May 19.*

*Wm. Boyd*, Kingston-upon-Hull, out of business.—*Enoch Haller*, Kingston-upon-Hull, out of business.

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LONDON, MAY 6, 1854.

It is well known to our readers, that for the reasons which we have ourselves stated, and for those so ably urged by a correspondent in our last number, we are opposed to any extension of county court jurisdiction while those tribunals are deprived of salutary checks, and are subject to degrading influences. We shall on a future occasion consider the remedy proposed by our correspondent; but we are now anxious to draw attention to another of our inferior courts, dealing with interests beyond the cognisance of county courts, and yet more incompetent to deal properly with them. We allude to the jurisdiction of Sheriffs' Courts over the execution of writs of inquiry.

A sheriff is not allowed to try causes, except those which involve debts or demands not exceeding the sum of 20l.; he may not try any actions for unliquidated damages, however small the claim may be. But with this admission, that it is not expedient to intrust large

interests to his judicial care, he is actually allowed to preside at the assessment of damages, amounting, it may be, to many thousands of pounds; and not only the sheriff, but the undersheriff, or the sheriff's deputy\*, may be the judge on such occasions. Now, the deputy may be any one, however incompetent, however inexperienced. If it be said, that after judgment by default questions of difficulty do not arise, we utterly deny such a statement. As difficult and intricate questions arise upon the measure of damages as upon any branch of the law with which we are acquainted; it is the important part of a cause to the parties concerned, and just that part which requires the control of a clear-headed, strong-minded, just judge. Take a few instances—action for crim. con., judgment by default, damages claimed 10,000l. The defendant is not represented, and on these occasions he very often does not appear in person, or by counsel or attorney. The plaintiff's counsel makes an exaggerated, inflammatory speech, appeals to every topic of prejudice against the unhappy defendant, suggests all sorts of damage, for which there is not the slightest foundation in fact, and which legally ought to be excluded. He follows this up by putting the most leading questions to his own witnesses without objection.

\* See Reg. v. The Sheffield Railway Co., 22 Q. B. & El. 194, 198, 201). Where the undersheriff presides in the town where the inquest is held, it is irregular to employ a deputy; in such case the undersheriff should execute the writ himself. (Denny v. Trapnell, 2 Wils. 224). The sheriff cannot be executed before a deputy of the undersheriff. (Reg. v. Williams, 2 Dowl. N. S., 938).

There may be points as to marriage settlements, &c., the fortune of the wife, the probable loss to the husband; the undersheriff's deputy either leaves the case entirely to the jury, as suggested by the counsel, or perhaps damages the defendant a little more, if it be possible. The jury may ask a question or two, whether the House of Lords will be more ready to grant a divorce if they give heavy damages than if they give light, and other equally irrelevant and improper questions, which, however, are often answered so as to swell the amount assessed; and thus led, prejudiced, and biased entirely to the plaintiff's side, the amount of damages given by them is in many instances enormously disproportionate to the real injury. We have no hesitation in saying, that in cases of this sort thousands are sometimes awarded where the proper amount would be as many hundreds. In other actions—trover, trespass, actions *ex contractu*, with special damage—equally difficult questions arise. (See *Hadley and Others v. Bazendale*, 18 Jur., part 1, p. 358). Then, again, it is not always easy to determine what amount of evidence should and should not be given after judgment by default\*.

It is true, that under special circumstances, by leave of the court or a judge, the writ of inquiry may be executed before a judge of one of the superior courts; and the jury, by like permission, may be summoned from the special jury book; but in practice such an application is rarely made, and would be but seldom granted. The defendant who suffers judgment by default is generally without professional assistance, and therefore is not aware that he has even the chance of having his case considered before a better tribunal.

Our remarks, of course, apply also to the sheriff's jurisdiction in the assessment of compensation under the Railways and Lands Clauses Acts, when many questions of importance and difficulty have to be decided, as to taking into consideration the goodwill of a business, tenants' fixtures, improvements, the chance of a beneficial renewal of a lease, &c. (See *Rea v. The Liverpool and Manchester Railway Company*, 4 Ad. & El. 650; *Corrigall v. The London and Blackwall Railway Company*, 5 Man. & G. 219; Atk. Shff. Law, 176 et seq., 2nd ed.) On these occasions, however, both parties are generally fully represented, and therefore there is not so great an opportunity for injustice as in cases of assessment after judgment by default.

A QUESTION of some novelty and difficulty was raised in a case recently before the Lord Chancellor, on an opposition to the sealing of a patent for an invention obtained by a communication from a foreigner—viz. whether, if it be alleged or shewn that the applicant obtained the invention by fraud committed abroad, either actual or constructive, upon the inventor, the Lord Chancellor will, on behalf of the Crown, look at that circumstance in reference to granting or withholding the patent. In the case to which we refer the point did not call for adjudication, because the Court was of opinion that there was no fraud on the part of the applicant. It remains therefore still an open question, which turns upon the principle on which letters-patent for inventions are granted or refused.

When a party comes forward as himself the inventor, there can be no doubt or difficulty. If he has, in fact, instead of being himself the true inventor,

stolen or otherwise fraudulently obtained his knowledge of the invention from any other British subject, it is every day's practice that his application for a patent will be refused, and on these grounds—first, that he does not support by the facts the allegation of his petition to the Crown; his petition to the Crown, and his affidavits in support of it, stating that he is the true and first inventor; so that if he is not, he deceives the Crown by a false representation, besides not being within the exception of the Statute of Monopolies, according to the construction put on that statute in reference to what constitutes the true inventor. Secondly, that he is committing a fraud on another of the Queen's subjects, who is the person really entitled to a patent, if he desires it.

But when a person applies for a patent for a foreign invention the same principles do not apply. The ground assigned in the old cases for granting letters-patent for inventions not the invention of the applicant, but communicated from foreign countries, is, that the object of the exception in the Statute of Monopolies was to encourage the introduction of new inventions *within this realm*, and that therefore it was immaterial whether first discovered here, or first brought here; the policy of the law was to get them for the improvement of the manufactures of this country; or, to use the quaint language of the leading case on the subject, (*Edgeberry v. Stephens*, 2 Salk. 446), "the statute of James speaks of new manufactures within this realm; and if they be new here, it is within the statute, which was intended to encourage new devices useful to the kingdom; and whether learned by travel or study, it is the same thing." Accordingly the importer has always been held the inventor within the meaning of the statute; but then he must apprise the Crown of the true character in which he applies. Accordingly the form of application, and of the affidavit in support of it, for a patent for an invention imported from abroad, differs from the application of an inventor: the inventor alleges, as we have observed, that he is the first or true inventor, or that he hath invented; the importer alleges that he has, "*in consequence of a communication from a certain foreigner residing abroad, become possessed of an invention*," &c. All that seems, therefore, necessary to support the allegation on which he is required to ground his application, is the fact of his being *in possession*, and by reason of a communication from a foreigner residing abroad, and nothing is said about the mode of acquisition. That, however, would leave untouched the broad question, whether the Crown of this country is intended by the statute to take notice of the equitable rights of an alien residing abroad, so as to refuse a patent to a British subject whose possession of the invention is obtained by a fraud committed on such alien in a foreign jurisdiction.

If the question were to be treated on broad considerations of universal law, we apprehend the conclusion would be, that the Crown cannot be intended to recognise fraud in any shape, and that it would be contrary to the law of nations that one State should encourage, for its own benefit, fraud committed on the subjects of another; at any rate, assuming it to be a friendly State. But the question is much narrowed by the language of the statute, and the construction put upon it by the Courts—a construction which seems to ignore entirely everything beyond the fact of importation into, and novelty in this country. The only authority of which we have any knowledge, if it can be called authority, is the case of Sir Thomas Lombe, who in 1718 obtained a patent in this country for bringing here from Sardinia the invention of certain silk machines, of which it was notorious that he had obtained his knowledge by disguising himself as a workman, and so obtaining access to the Italian manufactory, and secretly and fraudulently, as regarded the

\* See *The Banbury Union Guardians v. Robinson* (7 Jur., part 1, p. 599) and *Cooper v. Blick*, (2 Q. B. 915).



Italian manufacturers, making plans and models of the machinery; yet for this importation he was afterwards rewarded by Parliament by a considerable grant of money. Now, as Parliament must have been well aware that the *communication from a foreigner* was in fact a fraud on that foreigner, by making a grant (which Parliament in such matters does in a quasi-judicial capacity) it recognised the claim of the importer for the *importation simply*, without reference to the mode in which the knowledge was obtained.

That much weight would be given to such a precedent at this day is not, however, probable; and the question, if ever it actually again arises, will have, we conceive, to be determined on principle.

The principal argument against the exercise of any jurisdiction in the matter would be, that the Crown cannot take cognisance of a fraud committed against a person not its subject, and out of its jurisdiction; that the cognisance of such fraud belongs to the foreign State and its tribunals. But, on the other hand, there are many foreign rights of which the Courts of this country take notice—at least, when the foreigner or his assignee brings them here. Besides, the question is not merely whether the Crown will notice the fraud on the foreigner, with reference to the foreigner's rights, but whether it will exercise a prerogative, exercised *ex mero motu*, in favour of a party guilty of a fraud in respect of the very subject of the grant which he seeks.

The question, which is not at all unlikely to arise again, is not free from great difficulty.

### Correspondence.

#### THE COUNTY COURTS.

TO THE EDITOR OF "THE JURIST."

SIR,—I once entertained the opinion of your correspondent "T.," (ante, p. 143), namely, that the orders for payment of debts by instalments in the county courts were objectionable. I am convinced by experience that I was in error.

First, cases have several times been removed into my courts by actions on the judgment of the superior courts, for the sole purpose that the plaintiffs might obtain the payment of their debts by instalments. Without payment by instalments, the plaintiffs had no chance of payment; for if they imprisoned their debtors, the Insolvent Court would have deprived them of the best chance of payment.

Secondly, when the defendant is not a labourer, or a poor man ordained priest, and the debt is on a bill of exchange or a promissory note, or of large amount, or the defendant is about to remove from the district, my rule is—and I believe it to be that of very many other county court judges—to order immediate payment of the whole debt and costs, unless, which often happens even in these cases, the plaintiff requests the order to be payment by instalments. But in these cases, if the party cannot pay, and comes up on a judgment summons, (the fees for which are too high), then the law governs the duty of the judge. (County Courts Act, ss. 99, 100). The order must then be made, if there be no misconduct, after an inquiry into the means and ability of the party to pay; and if he cannot pay the whole sum at once, (the plaintiff having had every opportunity to levy an execution under the original order), then it is the duty of the judge to vary the original order, and to make the debt payable by such instalments as are within the means of the defendant to pay. Why should the public be burthened with the maintenance in prison of such a debtor, and why should courts of law aid the gratification and anger of a creditor? The plaintiff gets by these means an almost certain security for the payment of his debt, and without this order he would have none.

Thirdly, tradesmen will grant improvident credit, and the labouring classes especially are willing to accept it. But what was the position of the labouring man before the county courts system permitted the payment of a debt by instalments? If he suspended his dealings, or did not pay what his creditor (not the judge) thought to be enough out of his earnings towards his debt, his home was destroyed, all his goods were sold, he was sent to prison, and the wife and children were sent to the workhouse. This is no exaggeration, and some parliamentary returns, moved for many years since by Mr. D. W. Harvey and others, shew the cruel system that then existed. I have been again and again told that the present system (though abused by some tradesmen, who think it saves the necessity of all inquiry by themselves, and justifies improvident credit) "preserves the hope of a labouring man to get out of his difficulties, and keeps his heart strong and unbroken." Moreover, the public are interested in the opinions of debtors as well as of creditors.

Fourthly, the public see what the amount of the instalment is, and how it is measured, namely, by ascertaining what the wages and sources of subsistence of the debtor are. The judge is not in these cases "soft-hearted." He knows he has the charge of a new institution, and that the favourable opinions entertained towards him are to be carried to the credit of the institution committed to him and to his supervision, and that what he does has the jury of a large community to criticise, not in one, but actually in thousands of similar recurring cases. He cannot be corruptly "soft-hearted," unless incompetent for his office, for his own mind must be governed by a tolerably unerring guide when he knows the usual price of labour in the district in which he acts. Certainly, in the far majority of cases I have heard, both debtor and creditor agree on the amount of the instalment ordered to be paid.

Fifthly, I think the fees too high, but the county courts are still by far the cheapest courts in all defended actions; and I affirm that, as respects all defended actions above 20*l.* (for the appeals test these), *the system does work well.*

Sixthly, as respects the "prandial, choreal, comital, and ecclesiastical predilections" of the county court judges, and "their incomes being effaced by their outgoings," surely your correspondent can only recognise some single acquaintance of his own in this terrible charge. I have certainly rarely visited in my circuit, and in its largest town I have not dined in any private house, yet in that town I have no reason whatever to complain of disrespect. As respects, also, the behaviour of parties in court, I know that the decorum of my court is never disturbed until gentlemen of the bar appear, who commence their displays by assuming they are not required to be themselves decorous.

Lastly, if a commission were issued to inquire into the mistakes of the judges of the superior courts, new trials arising out of their errors, compromises because final decisions are too expensive, references to arbitrators because the judge dislikes a long cause, and every plaintiff and defendant were invited to tell his grievances, and circulars were sent to all the attorneys of the kingdom to relate the grievances of their clients, and the results were contrasted with the results of the present inquiry respecting county courts, I have no doubt there would be an unanimous verdict *that the county courts work far better than the superior courts.*

A COUNTY COURT JUDGE.

### RECEIPT STAMPS.

TO THE EDITOR OF "THE JURIST."

SIR,—I find it stated among notices to correspondents in a newspaper of wide circulation, that "it was some time since settled by official authority, that the receipts

of money for charitable institutions require a stamp under the new Stamp Act." Understanding that by the term "receipts of money for charitable institutions" is meant receipts for voluntary contributions, it seems to me desirable that this settlement of the question should not be acquiesced in.

The words in stat. 16 & 17 Vict. c. 59, are, "receipt or discharge given for or upon the payment of any money amounting to two pounds or upwards." These are the very same words as are used in stat. 55 Geo. 3, c. 184, sched., part 1; the only difference is, that in the earlier statute there is a declaration that "any note, memorandum, or writing whatever given to any person for or upon the payment of money, whereby any sum of money, debt, or demand therein specified shall be expressed or acknowledged to have been paid, settled, balanced, or otherwise discharged or satisfied, . . . shall be deemed to be a receipt for a sum of money of equal amount with the sum, debt, or demand so expressed or acknowledged to have been paid, &c., and shall be charged with a duty accordingly." In *Tomkins v. Ashby*, (6 B. & Cr. 541, 542), Lord Tenterden said, "All these words import that something formerly *due* has been discharged;" and he held that a memorandum acknowledging that A. B. had left a sum of money in the hands of C. D. was not within the act.

This decision of Lord Tenterden shews that the duty under the earlier statute applies only to receipts for the payment of money *due*, which, in a legal sense, cannot be affirmed of a voluntary contribution any more than of the deposit of a sum of money. No argument in favour of the imposition of the duty can be founded on the omission of the declaration in the recent statute, which in express terms confines the duty to receipts on the payment of money; that is, of money due under a legal obligation to pay it. But the preamble of the recent statute, and sect. 2, which repeals the former stamp duties and imposes the new duty, shew that it was not intended to include instruments in respect of which stamp duty was not before payable.

For these reasons I think that the Courts would hold that a receipt for a voluntary contribution to a charitable institution is not liable to duty under stat. 16 & 17 Vict. c. 59.

G. J. PHILIP SMITH.

Temple, April, 1854.

#### GENTLEMEN CALLED TO THE BAR.

The following gentlemen have been called to the degree of Barrister at Law:—

LINCOLN'S INN.—Jasper Kenrick Peck, Esq.; John Hutton Taylor, Esq., M. A.; Geo. Pemberton, Esq., B. A.; Herbert Crichton Stuart, Esq., B. A.; Francis Barchard, jun., Esq., M. A.; W. Worsley Knox, Esq., B. A.; Charles Herbert Smith, Esq., M. A.; Charles Mahon Tyndall, Esq., M. A.; Cyrus Slater, Esq., B. A.; Chas. Meaburn Tatham, Esq., M. A.; Thos. Prothero, Esq.; Randolph Henry Crewe, Esq., M. A.; William Charles Wilks, Esq.

MIDDLE TEMPLE.—Hubert Lewis, Esq., Precedence Certificate of Honour, Council of Legal Education, B. A., Emanuel, Cam.; Rowland Whitehall Kenyon, Esq., M. A., St. John's, Cam.; Abercromby Robert Dick, Esq., Advocate Scots Bar; John Turner Hopwood, Esq., Trinity, Oxford; Henry Edward Daniels, Esq., late of Queen's, Oxford; Fred. Benjamin D'Elwood Ramadge, Esq., B. A., Fellow of Caius, Cam.; John Kirke, Esq.; Wm. Thomas Greenhow, Esq., B. A., Lond. Univ.; Philip Meadows Martineau, Esq., LL.B., Lond. Univ.; Robert Patten Adams, Esq.; and Edward Matthew Fenwick, Esq.

INNER TEMPLE.—John Edward Palmer, Esq.; Wm. Rainy, Esq.; Mathias Calthrow Turner, Esq.; Geo.

Bryan Bryan, Esq.; Patrick M'Gregor Robertson, Esq.; Alfred Augustus James, Esq.; Edwin Ward, Esq.; Wm. Hepworth Dixon, Esq.; Henry Watson, Esq.; John Airey, Esq.; Charles Pontifex, Esq.; John Jas. Heath, Esq.; Henry Charles Taylor, Esq.; the Hon. Francis Dudley Stuart; Wm. George Granville Vernon, Esq.; Thomas Bell, Esq.; Philip H. Le Breton, Esq.; Jonathan Darby, Esq.; and Joseph Augustus Yorke, Esq.

#### London Gazettes.

FRIDAY, APRIL 28.

#### BANKRUPTS.

EDWARD GROUND, Levington Parsondove, Cambridgeshire, grocer, draper, dealer and chapman, May 5 at half-past 12, and June 9 at half-past 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Watson, Wisbech, Cambridgeshire; Jenkins & Abbott, 8, New-inn.—Petition filed April 27.

EDWIN ALFRED THEOBALD, Bath, stationer, dealer and chapman, May 8 and June 8 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Messrs. Linklater, 17, Sise-lane, London.—Petition filed April 25.

STEPHEN THWAITES, Hastings, Sussex, grocer, dealer and chapman, May 6 at half-past 1, and June 17 at half-past 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Messrs. Linklater, 17, Sise-lane, London.—Petition dated April 21.

JOHN THOMAS HOLLOWAY, late of Lawrence-lane, London, but now residing at Arthur-terrace, Victoria-road, Stoke Newington, Middlesex, silk agent, May 6 at 2, and June 17 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Baylis, 22, Redcross-street.—Petition dated April 27.

WILLIAM CLIFT, Ulting, Essex, cattle and sheep salesman, May 12 at 2, and June 6 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Crick, Maldon, Essex; Cordell, 7, Cophall-court, London.—Petition filed April 19.

JOHN DUCKER, Bilston, Staffordshire, and Warwick, railway contractor, dealer in railway materials, and beer-seller, dealer and chapman, May 29 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. East, Birmingham.—Petition dated Feb. 18.

JAMES WATTS, Birmingham, tobacconist, May 11 and June 8 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. East, Birmingham.—Petition dated March 14.

WILLIAM HENRY LUDFORD, Gloucester, brash-seller and hatter, May 10 and June 13 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Jones, Gloucester; Abbot & Lucas, Bristol.—Petition filed April 24.

JOSEPH J. WELLS, Coventry, haberdasher, May 11 and June 8 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Goddard, 28, King-street, Cheap-side, London.—Petition dated April 22.

BEN PEARSON, Golcar, near Huddersfield, Yorkshire, cloth maker, dealer and chapman, May 29 at half-past 12, and June 20 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Brook & Co., Huddersfield; Bond & Barwick, Leeds.—Petition dated April 19.

WILLIAM TREBILCOCK, Plymouth, Devonshire, boot and shoe maker, dealer and chapman, May 8 and June 12 at 1, District Court of Bankruptcy, Plymouth: Off. Ass. Hirtzel; Sol. Elworthy, Plymouth.—Petition filed April 24.

JESSE JOYCE, Bolton-le-Moors, Lancashire, bookseller, dealer and chapman, May 10 and 31 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Bagshaw & Sons, Manchester; Freeman & Bothamley, 39, Coleman-street, London.—Petition filed April 21.

CHARLES DOVE, Chorlton-upon-Medlock, Manchester, builder, May 9 and 29 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Slater, Manchester; Staniland & Co., Bouverie-street, London.—Petition filed March 24.

JOHN HAYWORTH, Haywood, Lancashire, plumber and glazier, dealer and chapman, May 12 and June 2 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Her-naman; Sol. Dodge, Liverpool.—Petition filed April 15.

## MEETINGS.

*Richard Geo. Beesley*, Manchester, cotton spinner, May 12 at 11, District Court of Bankruptcy, Manchester, last ex.—*Wm. Houghton*, Kennington Oval, Lambeth, Surrey, licensed victualler, May 16 at 12, Court of Bankruptcy, London, and. ac.—*Wm. John Watson*, Upper Holloway, Middlesex, builder, May 23 at half-past 11, Court of Bankruptcy, London, and. ac.—*Thomas Colyer*, High Holborn, Middlesex, licensed victualler, May 11 at 11, Court of Bankruptcy, London, and. ac.—*Francis Paul Becker*, Stationers' Hall-court, Paternoster-row, London, engraver, May 19 at 1, Court of Bankruptcy, London, and. ac.—*Wm. Cluff Hulme*, High-st., Putney, Surrey, grocer, May 19 at 2, Court of Bankruptcy, London, and. ac.—*Charles John Darlin Campbell*, College-st., Camden-town, and John-st., Adelphi, Middlesex, and Bolton-terrace, Edward-st., Walworth, Surrey, builder, May 16 at 11, Court of Bankruptcy, London, and. ac.—*Edw. Emerson* and *Barnabas Fenwick*, Stella, Durham, and Newcastle-upon-Tyne, ironfounders, May 10 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac. sep. est. of *Barnabas Fenwick*.—*Thomas Evans*, Manchester, ironmonger, May 8 at 12, District Court of Bankruptcy, Manchester, and. ac.—*Wm. Hesbeth*, Blackburn, Lancashire, cotton manufacturer, May 10 at 12, District Court of Bankruptcy, Manchester, and. ac.—*Edmund Smith* the younger, Swinton, Lancashire, coal owner, May 9 at 12, District Court of Bankruptcy, Manchester, and. ac.—*Augustus Pickett*, Brighton, Sussex, brick maker, May 25 at half-past 11, Court of Bankruptcy, London, div.—*Edward Ablewhite*, Mortimer-st., Cavendish-square, Middlesex, coach builder, May 23 at half-past 12, Court of Bankruptcy, London, div.—*James Windeyer Lewty*, Wilden, Worcestershire, *William Henry Partridge*, Birmingham, Warwickshire, and *Edmund Lewty*, Stourport, Worcestershire, tin-plate workers, May 17 at 10, District Court of Bankruptcy, Birmingham, div. joint est., and div. sep. ests. of *James Windeyer Lewty* and *Edmund Lewty*.—*Philip Jones*, Llangattock, Monmouthshire, banker, May 25 at 11, (and not May 19, as advertised in the London Gazette of April 14), District Court of Bankruptcy, Bristol, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*William Kidston* and *Filmer Kidston*, North-street, Sidney-street, Mile-end, and Liverpool-street, Bishopsgate, Middlesex, furniture dealers, May 23 at 11, Court of Bankruptcy, London.—*Joseph Rowe*, Colchester, Essex, baker, May 23 at 12, Court of Bankruptcy, London.—*Francis Paul Becker*, Stationers' Hall-court, Paternoster-row, London, engraver, May 19 at 1, Court of Bankruptcy, London.—*John Huxtable*, Frome, Selwood, Somersetshire, silversmith, May 22 at 11, District Court of Bankruptcy, Bristol.—*J. Frater*, Manchester, brewer, May 22 at 12, District Court of Bankruptcy, Manchester.—*Richard Brownlow*, Manchester, starch manufacturer, May 19 at 12, District Court of Bankruptcy, Manchester.—*Joseph Parry*, Liverpool, bricklayer, May 22 at 12, District Court of Bankruptcy, Liverpool.—*Edwin Shaw*, Birmingham, pocket-book maker, June 5 at 10, District Court of Bankruptcy, Birmingham.—*Augustus Rizzi*, Leeds, Yorkshire, looking-glass manufacturer, May 29 at 12, District Court of Bankruptcy, Leeds.

*To be granted, unless an Appeal be duly entered.*

*John Pointon*, Monks Coppenhall, Cheshire, innkeeper.—*John Saller*, Backchurch-lane, Whitechapel, and Ratcliffe-highway, Middlesex, yeast merchant.—*W. Outram*, Stockton-upon-Tees, Durham, timber merchant.—*J. Clegg*, Liverpool, licensed victualler.—*Edmund Smith* the younger, Swinton, Lancashire, coal owner.

## SCOTCH SEQUESTRATION.

*George Gunn*, Glasgow, carriage hirer.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Wm. Codling*, Castleacre, Norfolk, general-shop keeper, May 10 at 3, County Court of Norfolk, at King's Lynn.—*Charles Morgan*, Clodock, Herefordshire, farming bailiff, May 18 at 10, County Court of Herefordshire, at Hereford.—*John Harrison*, Pocklington, Yorkshire, licensed hawk, May 27

at 11, County Court of Yorkshire, at Pocklington.—*Robert Orford Sargent*, Halton, Hastings, Sussex, cordwainer, May 15 at 11, County Court of Sussex, at Hastings.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*May 12 at 10, before the CHIEF COMMISSIONER.*

*Daniel S. Merry*, Church-street, St. John, Hackney, Middlesex, shoemaker.—*George W. C. During*, Gerrard-street, Soho-square, Middlesex, working jeweller.

*May 15 at 11, before the CHIEF COMMISSIONER.*

*Alexander P. Bartlett*, Harrison-street, Gray's-inn-road, Middlesex, carpenter.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*May 12 at 10, before Mr. Commissioner MURPHY.*

*Samuel Wood Graves*, Warwick-street, Pimlico, and St. James's-square, Middlesex, gentleman.

*May 13 at 11, before Mr. Commissioner PHILLIPS.*

*Joseph Bland*, Chertsey, Surrey, out of business.—*Catherine Mary Ladewig*, Margaret-terrace, Harrow-road, Paddington, Middlesex, confectioner.—*M. Merigan*, Daly's-place, South-street, Isaleworth, Middlesex, out of business.

*May 15 at 11, before the CHIEF COMMISSIONER.*

*Letitia E. Prescott*, widow, Oak-place, Bridge-road, Battersea, Surrey, in no business.—*Matthew Bromhead*, Leather-lane, Holborn, Middlesex, butcher.

*May 15 at 11, before Mr. Commissioner PHILLIPS.*

*James Gordon*, Jewry-street, Aldgate, London, teacher of mathematics.—*William Thomas Lambert*, Jermyn-street, St. James's, Middlesex, patent medicine vendor.—*George Wiggleworth*, Friendly-place, Old Kent-road, Surrey, tobacconist.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Durham, at DURHAM, May 12.*

*John Hall*, Gilesgate, out of business.—*Edmund Eddy*, Gilesgate, twine manufacturer.—*George Salmon*, Gilesgate, out of business.

*At the County Court of Lancashire, at LANCASTER, May 12 at 12.*

*John Preston*, Blackburn, cut looker.—*Wm. Whiteley*, Colne, out of business.—*John Whitehead*, Manchester, ironmonger.—*Nathaniel Whewell*, Oswaldtwistle, near Blackburn, grocer.—*James Thorley*, Manchester, mechanic.—*B. Brown*, Deansgate, Bolton-le-Moors, licensed victualler.—*John Marshall*, Chorlton-upon-Medlock, Manchester, out of business.—*William Richardson*, Manchester, baker.—*James Broad*, Preston, pig dealer.—*Joseph M'Knight*, Salford, out of business.—*John Hulm*, Kirkdale, Liverpool, out of business.—*George Rankin*, Naas, Kildare, Ireland, grocer.—*John Speakman*, Bolton-le-Moors, fish hawk.—*John M'Carthy*, Manchester, grocer.—*Christopher Bibby*, Over Darwen, pattern maker.—*Wm. Chadwick*, Manchester, out of business.—*Thomas Pickles*, Lea, near Preston, licensed victualler.—*Henry Atharley*, Manchester, out of business.—*John Stout*, Torteth-park, Liverpool, dealer in ale.—*Thomas Higham*, Longlight, Manchester, out of business.—*Wm. Upton*, Manchester, out of business.—*James Wilson*, Blackburn, fishmonger.—*Thomas Billington*, Preston, out of business.—*Joseph Woodhouse*, Manchester, grocer.—*William Radcliffe*, Oldham, assistant to a woollen rag dealer.—*John Wilson*, Manchester, clothes dealer.—*J. Spencer*, Salford, Clitheroe, out of business.—*John Heath*, Gorton-brook, near Manchester, beer-seller.—*John Hirst*, Great Bolton, Bolton-le-Moors, joiner.—*William Smalley*, Barnley, out of business.—*James Bamber*, Preston, out of business.—*Hugh Fulton*, Rusholme, near Manchester, out of business.

*At the County Court of Somersetshire, at TAUNTON, May 15.*

*John Hedges*, Baltonsborough, near Glastonbury, innkeeper.

*At the County Court of Sussex, at LEWIS, May 16.*

*Henry Page*, Heathfield and Framfield, miller.

TUESDAY, MAY 2.

## BANKRUPTS.

- GEORGE FREDERICK ROSSITER**, London-wall, London, wholesale clothier, dealer and chapman, May 13 at 12, and June 16 at 2, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Messrs. Harrison, 5, Walbrook, City.—Petition filed April 27.
- CHARLES COWDERY**, Coventry-street, Haymarket, and Hanworth-road, Hounslow, Isleworth, Middlesex, coffee-house keeper and oyster dealer, dealer and chapman, May 12 at half-past 12, and June 16 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Bridger & Collins, 37, King William-street, City.—Petition filed April 28.
- THOMAS HARRIS**, West Wycombe, Buckinghamshire, chair manufacturer, May 9 at half-past 1, and May 31 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Cordwell, 20, Old Fish-street.—Petition filed April 25.
- DAVID HOLDEN** the younger, Horsham, Sussex, ironmonger, dealer and chapman, May 10 at 2, and June 14 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Jones, 9, Quality-court, Chancery-lane.—Petition filed April 25.
- JOHN ROGER PURSELL**, Ludgate-hill, London, and Regent-street, Pall-mall, Middlesex, biscuit baker and confectioner, dealer and chapman, May 12 at half-past 1, and June 13 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Broughton, 4, Falcon-square, London.—Petition filed April 27.
- WILLIAM MATTOCK**, Liverpool, flour and provision dealer, May 8 and June 2 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Lowndes & Co., Liverpool.—Petition filed April 22.
- FRANCIS WHITFIELD ROBINSON**, Southport, Lancashire, printer, bookseller, and stationer, May 15 and June 7 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Casenove; Sol. Forshaw, Liverpool.—Petition filed April 27.
- NICHOLAS KENNEDY**, Shudehill, Manchester, ivory turner, dealer and chapman, May 12 and June 2 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Herniman; Sols. Unwin, Sheffield; Sale & Co., Manchester.—Petition filed April 19.

## MEETINGS.

*Geo. Havelock and Matthew B. Robson*, Monkwearmouth, Durham, shipbuilders, May 19 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Thos. Tebbutt*, Manchester, merchant, May 26 at 12, District Court of Bankruptcy, Manchester, last ex.—*Thos. J. Burton, Baker J. Gabb, and Fred. R. Cruckley*, Wigmore-street, Cavendish-square, Middlesex, church furnisiers, May 25 at 12, Court of Bankruptcy, London, and ac.—*George Jones*, Baker-street, Lloyd-square, St. James's, Clerkenwell, Middlesex, manufacturing jeweller, May 25 at 11, Court of Bankruptcy, London, and ac.—*Mary Browne and John Read Browne*, Middle-row South, Knightsbridge, Middlesex, window-glass cutters, May 25 at 2, Court of Bankruptcy, London, and ac.—*Henry Johnson*, Turnwheel-lane, Cannon-street, London, and Thames Ditton, Surrey, machinist, May 26 at 11, Court of Bankruptcy, London, and ac.—*R. Hutchinson*, Monkwearmouth Shore, Durham, shipbuilder, May 23 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; May 26 at 12, div.—*Jos. Grasse*, Manchester, warehouseman, May 17 at 12, District Court of Bankruptcy, Manchester, and ac.; May 24 at 12, div.—*J. Bennett*, Manchester, licensed victualler, May 18 at 12, District Court of Bankruptcy, Manchester, and ac.—*William Chorworth*, Manchester, merchant, May 18 at 12, District Court of Bankruptcy, Manchester, and ac.; May 25 at 12, div.—*Mary Powacre*, Wigan, Lancashire, innkeeper, May 18 at 12, District Court of Bankruptcy, Manchester, and ac.—*Jas. Windyer Lewty*, Wilden, Worcestershire, *William Henry Pertridge*, Birmingham, and *Edmund Lewty*, Stourport, Worcestershire, tin-plate workers, May 16 at 10, District Court of Bankruptcy, Birmingham, and ac.—*J. Bough*, Kidderminster, Worcestershire, carpet manufacturer, May 30 at 12, District Court of Bankruptcy, Birmingham, and ac.—*Tottenham Lee*, Wakefield, Yorkshire, worsted yarn manufacturer, June 1 at 11, District Court of Bankruptcy, Leeds, and ac.; June 2 at 11, div.—*Rebecca Allen*, Alfreton, Derbyshire, innkeeper, May 27 at 10, District Court of Bankruptcy, Sheffield, and ac.—*Allan Stewart Hay*, Old Broad-street, London, shipowner, May 26 at half-past 11,

Court of Bankruptcy, London, div.—*Charles Pollard*, Welington-street North, Strand, Middlesex, licensed victualler, May 26 at 12, Court of Bankruptcy, London, div.—*Robert F. Cooper*, Three Colt-street, Limehouse, Middlesex, colourman, May 23 at half-past 1, Court of Bankruptcy, London, div.—*Joseph Dunthorn*, Broadwall, Christchurch, Blackfriars-road, Surrey, corn dealer, May 23 at half-past 12, Court of Bankruptcy, London, div.—*G. Stewart Amisack*, Frederick-street, Hampstead-road, Middlesex, common brewer, May 23 at half-past 1, Court of Bankruptcy, London, div.—*Job Eggleston*, St. Albans, Hertfordshire, licensed victualler, May 24 at 2, Court of Bankruptcy, London, div.—*Jas. Dewacy*, Coaley Mills, near Uley, Gloucestershire, woollen manufacturer, May 23 at 11, Court of Bankruptcy, London, fin. div.—*George Whitehead*, Fleet-st., London, printer, and Boyle-street, Burlington-gardens, Middlesex, scrivener, May 25 at 11, Court of Bankruptcy, London, div.—*Robert Smith*, GraveSEND, Kent, bricklayer, May 23 at 11, Court of Bankruptcy, London, div.—*Patrick Cruickshank, John Melville, and William Fendleroy Street*, Austin-friars, London, merchants, May 23 at 12, Court of Bankruptcy, London, div. sep. est. of *John Melville*.—*William Miller Anderson*, Foley-place, St. Marylebone, Middlesex, surgeon, May 25 at 11, Court of Bankruptcy, London, div.—*W. Barnes*, Hungerford, Berkshire, auctioneer, May 26 at 11, Court of Bankruptcy, London, div.—*T. Wilkinson*, Cambridge-wharf, Wilton-road, Pimlico, and Grosvenor-street, Eaton-square, Middlesex, coal merchant, May 26 at 11, Court of Bankruptcy, London, div.—*Wm. Potter*, Birkenhead, Cheshire, and Liverpool, merchant, May 24 at 11, District Court of Bankruptcy, Liverpool, div.—*J. Poiston*, Monks Copenhall, Cheshire, innkeeper, May 23 at 11, District Court of Bankruptcy, Liverpool, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Edward Cahan and James Vicat* the younger, Strand, Middlesex, tailors, June 1 at 2, Court of Bankruptcy, London.—*V. H. Gay*, Blackfriars-road, Surrey, and Strand, Middlesex, tailor, May 24 at half-past 12, Court of Bankruptcy, London.—*Thomas C. Millington*, Maldon, Essex, chemist, May 24 at half-past 1, Court of Bankruptcy, London.—*P. Bear*, George-yard, Lombard-street, London, hotel keeper, May 24 at 2, Court of Bankruptcy, London.—*J. Kingston*, Reading, Berkshire, draper, May 24 at 1, Court of Bankruptcy, London.—*Henry Meadows*, Wellingborough, Northamptonshire, druggist, May 23 at 1, Court of Bankruptcy, London.—*Stephen Carlton*, Darlington, Durham, coach manufacturer, May 30 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Joseph Munden* the elder, Netherbury, Dorsetshire, flax spinner, May 23 at 1, District Court of Bankruptcy, Exeter.—*Wm. Hart*, Chester, banker, May 24 at 12, District Court of Bankruptcy, Manchester.—*Thomas M'Kenna*, Belfast, Antrim, Ireland, and Manchester, draper, May 26 at 12, District Court of Bankruptcy, Manchester.—*William Billings*, Rainhill, Prescott, Lancashire, stonemason, May 24 at 11, District Court of Bankruptcy, Liverpool.—*Edwin Shaw*, Birmingham, pocket-book maker, June 5 at 10, District Court of Bankruptcy, Birmingham.—*John Hunter*, Fazeley, Staffordshire, tape manufacturer, June 5 at 10, District Court of Bankruptcy, Birmingham.—*Charles Leake*, Crowland, Lincolnshire, grocer, May 26 at 10, District Court of Bankruptcy, Nottingham.—*Isaac Steane*, Coventry, Warwickshire, ribbon manufacturer, June 8 at 11, District Court of Bankruptcy, Birmingham.—*Joseph Horne*, Leeds, Yorkshire, dyer, May 26 at 11, District Court of Bankruptcy, Leeds.—*E. Michelson*, Manchester, woollen merchant, May 26 at 11, District Court of Bankruptcy, Leeds.—*Isaac Blackburn and Wm. S. Stiebel*, Leeds, Yorkshire, ironfounders, May 26 at 11, District Court of Bankruptcy, Leeds.—*Thomas Staniforth*, Sheffield, Yorkshire, joiner, May 27 at 10, District Court of Bankruptcy, Sheffield.

*To be granted, unless an Appeal be duly entered.*

*L. D. Shields*, Lime-street, London, merchant.—*Henry H. Wood*, Bognor, Sussex, victualler.—*Thomas Young*, Sunderland, Durham, shipowner.—*John Rodway*, Gloucester, victualler.—*Joseph Watson*, Liverpool, broker.—*James Scobie Riley*, Liverpool, commission merchant.—*R. Milner*, Doncaster, Yorkshire, hatter.—*Edward B. Green*, Bilston, Staffordshire, ironmonger.—*Henry Green*, Birmingham, button manufacturer.—*Thomas Bellinger*, Birmingham, confectioner.

—*John M. Bayley*, Wheaton Aston, Staffordshire, beerseller.  
—*H. P. Goodwin*, Solihull, Warwickshire, tallow chandler.—*James Gibney*, Nottingham, carrier.

## SCOTCH SEQUESTRATIONS.

*George H. Stevens*, Gullane, Haddington, innkeeper.—*W. Lawson*, Cupar, Fifeshire, merchant.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Thomas Blackmore*, Southampton, baker, May 24 at 11, County Court of Hampshire, at Portsmouth.—*Wm. Robson*, Garton-on-the-Wolds, Yorkshire, labourer, May 13 at half-past 1, County Court of Yorkshire, at Great Driffield.—*John Davey*, Tiverton, Devonshire, butcher, May 11 at 11, County Court of Devonshire, at Tiverton.—*Thomas Harding*, Bath, Somersetshire, brassfounder, May 13 at 11, County Court of Somersetshire, at Bath.—*James Sterland*, Bath, Somersetshire, assistant apothecary, May 6 at 11, County Court of Somersetshire, at Bath.—*Arthur E. B. Durant*, Boningale, Shropshire, gentleman, May 20 at 10, County Court of Shropshire, at Madeley.—*M. R. Ashford*, Cardiff, Glamorganshire, out of business, May 19 at 10, County Court of Glamorganshire, at Cardiff.—*Wm. Ewins*, Cardiff, Glamorganshire, hair dresser, May 19 at 10, County Court of Glamorganshire, at Cardiff.—*Samuel Charley*, Llandaff, Glamorganshire, agricultural labourer, May 19 at 10, County Court of Glamorganshire, at Cardiff.—*Morgan Thomas*, Cardiff, Glamorganshire, mason, May 19 at 10, County Court of Glamorganshire, at Cardiff.—*Thomas Douse*, Clare, Suffolk, innkeeper, May 13 at 10, County Court of Suffolk, at Haverhill.—*David Dean*, Duncton, near Petworth, Sussex, blacksmith, May 12 at 12, County Court of Sussex, at Petworth.—*H. Hurst*, Petworth, Sussex, turnkey, May 12 at 12, County Court of Sussex, at Petworth.—*G. W. Hurst*, Pulborough, Sussex, out of business, May 12 at 12, County Court of Sussex, at Petworth.—*W. Goble*, Brighton, Sussex, carpenter, May 6 at 10, County Court of Sussex, at Brighton.—*Wm. Gates*, Brighton, Sussex, painter, May 6 at 10, County Court of Sussex, at Brighton.—*John Whillock*, Kidlington, Oxfordshire, horse dealer, May 18 at half-past 11, County Court of Oxfordshire, at Woodstock.—*Robert Saies*, Haverfordwest, Pembrokeshire, licensed dealer in ale, May 22 at 11, County Court of Pembrokeshire, at Haverfordwest.—*Jas. Slyke*, Witham, Essex, stone-mason, May 23 at 12, County Court of Essex, at Malden.—*George Sale*, Castle Hedingham, Essex, innkeeper, May 21 at 10, County Court of Essex, at Halstead.—*William Woodhouse*, Ashford, Kent, grocer, May 11 at 10, County Court of Kent, at Folkestone.—*Thomas Court*, Ipswich, Suffolk, linendraper, May 12 at 9, County Court of Suffolk, at Ipswich.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*May 17 at 10, before the CHIEF COMMISSIONER.*

*Robert Jack*, Crozier-street, Palace New-road, Lambeth, Surrey, slater.—*John Bunker*, Crown-court, King-street, St. James's, Middlesex, gentleman's servant.

*May 17 at 10, before Mr. Commissioner MURPHY.*

*Alfred James*, Green-street, Bethnal-green, Middlesex, leather seller.—*Samuel Cottrell*, Satchwell-street, Bethnal-green-road, Middlesex, cigar-box maker.—*Ben Meredith*, Tyler-st., Regent-st., Middlesex, dealer in milk.—*J. Lunn*, Oxford-st., Whitechapel-road, Middlesex, clerk to the Australian Mining Company.—*Charles Messer*, Charlotte-street, Fitzroy-square, Middlesex, out of business.

*May 18 at 11, before Mr. Commissioner PHILLIPS.*

*Jas. Seedman* the elder, Roadside, Whitechapel, Middlesex, carpenter.—*Stephen Goddard*, George-st., Bloomsbury-square, Middlesex, out of business.—*Randal Sutton*, Ferry-road, Millwall, All Saints', Poplar, Middlesex, grocer.—*F. Pitt Baker*, Drury-lane, Middlesex, beer-shop keeper.—*Wm. Henry Edwards*, Woodbine-cottage, Acton-lane, Turnham-green, Middlesex, teacher of drawing.—*Wm. Thompson*, Providence-place, Kentish-town, Middlesex, corn chandler.—

*James Carter*, Royal Mint-street, Whitechapel, Middlesex, dealer in coals.

*Saturday, April 29.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Henry Weatherill*, York, out of business, No. 77,349 C.; *Thomas Todd*, assignee.—*Abel Skinner*, Plymouth, Devonshire, sawyer, No. 77,590 C.; *Isaac Lazarus*, assignee.—*John Cockfield*, Kirby, Ravensworth, Yorkshire, farmer, No. 77,656 C.; *Sophia Thorpe*, assignee.—*Richard Tindall Gray*, York, butcher, No. 77,795 C.; *John Gray*, assignee.—*R. Glover*, Cheltenham, Gloucestershire, livery-stable keeper, No. 77,825 C.; *William Draper*, assignee.—*George Berry*, Bridge-road, Battersea, Surrey, baker, No. 64,304 T.; *Wm. Henry Wells*, assignee.—*Wm. Jubber Spurrier*, Maddox-st., Regent-st., Middlesex, wine merchant, No. 64,361 T.; *Walter Butler*, assignee.—*George Prest*, Middlesbrough-on-Tees, Yorkshire, licensed victualler, No. 77,442 C.; *Robert Heapel*, assignee.—*Alexander Gordon John Bishop*, Duke-st., Manchester-square, Middlesex, clerk, No. 60,913 T.; *Cornelius Sanderson*, new assignee; *William Robert Griesbach*, late assignee, removed.

*Saturday, April 29.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Wm. Edwards*, Albert-st., High-st., Shadwell, Middlesex, mate of the barque *Royalist*: in the Debtors Prison for London and Middlesex.—*John Charles Roeder*, Underwood-place, City-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Richard Hathaway*, Alfred-place, Maiden-lane, Islington, Middlesex, grocer: in the Debtors Prison for London and Middlesex.—*H. Heffer*, Grafton-street East, Tottenham-court-road, Middlesex, ladies' boot maker: in the Debtors Prison for London and Middlesex.—*Robert Anderson Rust*, Regent-st., Portland-place, Middlesex, pianoforte maker: in the Debtors Prison for London and Middlesex.—*John Taylor*, Fish-st.-hill, London, out of business: in the Debtors Prison for London and Middlesex.—*John Single*, St. Dunstan's-road, Stepney, Middlesex, builder: in the Debtors Prison for London and Middlesex.—*George Moss*, South-place, New-road, Middlesex, general dealer: in the Debtors Prison for London and Middlesex.—*John Hetherington*, Westbourne-grove North, Bayswater, Middlesex, out of business: in the Queen's Prison.—*John Paterson*, Green-st., Leicester-square, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*Benjamin Gardner*, Hand-court, Bedford-row, Middlesex, provision dealer: in the Debtors Prison for London and Middlesex.—*Joseph Freestone*, Kemp's-row, Pimlico, Middlesex, foreman to a carman: in the Debtors Prison for London and Middlesex.—*John Wilson*, Shudehill, Manchester, clothes dealer and cleaner: in the Gaol of Lancaster.—*John Hurst*, Bolton-le-Moors, Lancashire, joiner and coal dealer: in the Gaol of Lancaster.—*Jane Luttrell*, Liverpool, licensed victualler: in the Gaol of Lancaster.—*Edward Ibbotson*, Smithfield, Yorkshire, farmer: in the Gaol of York.—*Joseph McKnight*, Salford, Lancashire, out of business: in the Gaol of Lancaster.—*James Bamber*, Preston, Lancashire, out of business: in the Gaol of Lancaster.—*John Stout*, Liverpool, retail dealer in ale: in the Gaol of Lancaster.—*Richard Shaw*, Preston, Lancashire, beer seller: in the Gaol of Lancaster.—*John Heath*, Gorton-brook, near Manchester, retail beerseller: in the Gaol of Lancaster.—*Joseph Woodhouse*, Manchester, grocer: in the Gaol of Lancaster.—*John Sheldon*, Manchester, brewer: in the Gaol of Manchester.—*James Bull*, Little Walsingham, Norfolk, dealer in flour: in the Gaol of Norwich.—*Henry Page*, Heathfield, Sussex, miller: in the Gaol of Lewes.—*Wm. Pinnington*, Houghton Moss, Bunbury, Cheshire, out of business: in the Gaol of Chester.—*William Upton*, Manchester, out of business: in the Gaol of Lancaster.—*Thos. Higham*, Longsight, near Manchester, out of business: in the Gaol of Lancaster.—*John Jones*, Wolverhampton, Staffordshire, grocer: in the Gaol of Coventry.—*Samuel Gear*, Hamilton-terrace East, New Cross-road, Deptford, Kent, plumber: in the Gaol of Maidstone.—*George R. Hopkins*, Kingswinford, Staffordshire, national schoolmaster: in the Gaol of Stafford.—*Samuel Davies*, Bristol, out of business:

in the Gaol of Bristol.—*Wm. Walker*, Pudsey, near Leeds, Yorkshire, cloth weaver: in the Gaol of York.—*J. Clapham*, Otley, Yorkshire, gardener: in the Gaol of York.—*James Shuttleworth*, Bradford, Yorkshire, beer-house keeper: in the Gaol of York.—*Lancelot A. Hesling*, Leeds, Yorkshire, quarryman: in the Gaol of York.—*Henry Whitehead*, Thornhill Lees, near Dewsbury, Yorkshire, out of business: in the Gaol of York.—*Thos. Lupton*, Bradford, Yorkshire, assistant to a rag dealer: in the Gaol of York.—*Samuel Taylor*, Halifax, Yorkshire, farm labourer: in the Gaol of York.—*Thomas Wright*, Birmingham, carter: in the Gaol of Coventry.—*George Rackstraw*, Holywell-street, Oxford, solicitor: in the Gaol of Oxford.—*John Hutchin* the younger, Norwich, out of business: in the Gaol of Norwich.—*Thomas Pitt*, Brompton Abbots, Herefordshire, sawyer: in the Gaol of Hereford.—*John Craven* the younger, Lidget, near Keighley, Yorkshire, joiner: in the Gaol of York.—*Thos. Thorpe*, Milns Bridge, near Huddersfield, Yorkshire, cloth miller: in the Gaol of York.—*George Bretherick* the younger, Bramley, near Leeds, Yorkshire, cloth manufacturer: in the Gaol of York.—*Henry Tasker*, Dore, Derbyshire, publican: in the Gaol of York.—*Wm. Richardson*, York, out of business: in the Gaol of York.—*Henry Bairdow*, York, out of business: in the Gaol of York.—*James Bannister*, Bramley, near Leeds, Yorkshire, cabinet maker: in the Gaol of York.—*J. Holroyd*, Middlesbrough, Yorkshire, licensed victualler: in the Gaol of York.—*Alexander Heslin*, Bramley, near Leeds, Yorkshire, cloth manufacturer.—*John Webster*, Leeds, Yorkshire, shoemaker: in the Gaol of York.—*James Henry S. Wildsmith*, Wolverhampton, Staffordshire, manager of chemical works: in the Gaol of Stafford.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*May 16 at 10, before Mr. Commissioner MURPHY.*

*Francis John Atfield*, Waterloo-place, Shepherd's-bush, Middlesex, brick maker.—*James Wolfe Charlton*, Regent-square, Gray's-inn-road, Middlesex, clerk in holy orders.

*May 17 at 10, before the CHIEF COMMISSIONER.*

*Wm. Fisher*, York-place, Vauxhall-bridge-road, Pimlico, Middlesex, accountant.—*Thomas C. Watte*, Tennyson-street, York-road, Lambeth, Surrey, gentleman.

*Adjourned Hearing.*

*John C. Catling*, Marlborough-terrace, Marlborough-road, Queen's-road, Dalston, Middlesex, architect.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Sussex, at LEWES, May 16.*

*Charles Wakeford*, Brighton, out of business.

*At the County Court of Devonshire, at EXETER, May 16 at 10.*

*Susanna Sherwill*, widow, Crediton, innkeeper—*J. Pease*, Plymouth, latter.

*At the County Court of Staffordshire, at STAFFORD, May 17 at 11.*

*William Plant*, Dresden, near Longton, out of business.—*George R. Hopkins*, Kingwinford, national schoolmaster.

*At the County Court of Gloucestershire, at BRISTOL, May 18 at half-past 10.*

*Edwin Newman*, Weston Zoyland, Somersetshire, miller.

*At the County Court of Norfolk, at the Shirehall, NORWICH CASTLE, May 19 at 10.*

*John Hutchin* the younger, Norwich, out of business.

*At the County Court of Norfolk, at NORWICH, May 19.*

*James Bull*, Little Walsingham, dealer in flour.

**COUNTY COURTS.**—It appears that the Law Officers of the Crown have given an opinion to the effect that it is not necessary that the instrument of appointment of a county court judge should be stamped. It is presumed, therefore, that such of the judges as have had their appointments stamped, in compliance with the orders of the Treasury, will have their money returned to them.

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# The Jurist

No. 905—VOL. XVIII.

MAY 13, 1854.

PRICE 1s.

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LONDON, MAY 13, 1854.

It is a well-known rule of law, "qui prior est tem-  
pore potior est jure;" and Courts of equity, professing  
to follow the law, have adopted and acted upon it, with  
this qualification, viz. that where the equity of one of  
two claimants is better than that of the other, the legal  
rule shall not prevail. The various modes of enun-  
ciating the rule are perhaps open to some criticism;  
and in the recent case of *Rice v. Rice*, (2 Drew. 73),  
when its application to a very interesting and novel  
point was the subject of great discussion, Sir R. T.  
Kindersley, V. C., said, that to lay down the rule with  
perfect accuracy, it should be stated in some such form  
as this—"As between persons having only equitable  
interests, if their equities are in all other respects equal,  
priority of time gives the better equity; or qui prior  
est tempore potior est jure."

The question discussed in *Rice v. Rice* was one which  
had never previously been actually decided, viz. whe-  
ther an equitable mortgagee by deposit of title deeds  
is entitled to priority over a vendor claiming a lien, of

previous date, for unpaid purchase money, when the  
receipt of the purchase money is acknowledged on the  
conveyance. The question arose in *Nairne v. Prowse*,  
(6 Ves. 752), but the case was ultimately disposed of  
upon another point.

A case, however, somewhat analogous came before  
Lord Northington, who held that a declaration of trust  
in favour of an incumbrancer was tantamount to an  
actual assignment, unless a subsequent incumbrancer,  
bonâ fide and without notice, procured an assignment;  
and that the custody of the deeds respecting the term,  
with a declaration of the trust of it in favour of a  
second incumbrancer, was equivalent to an actual as-  
signment, and therefore gave him an advantage over  
the first incumbrancer, which equity would not take  
from him. (*Stanhope v. Lord Verney*, Co. Litt. 290. b.,  
note (1), s. 15; S. C., 2 Eden, 81).

The only difference between the case before Lord  
Northington, and the case of a vendor's lien with a  
subsequent deposit of the title deeds, appears to be, as  
observed by Lord St. Leonards in his book upon Vendors  
and Purchasers, (vol. 2, p. 881, 11th ed.), that in the  
former case both the trusts were declared by the par-  
ties; whereas in the latter the trust or lien is raised in  
equity, and not by express declaration, and the trust or  
equitable mortgage is generally created by the declara-  
tion of the parties; which circumstance, if it turns the  
scale either way, is certainly in favour of the mort-  
gagee, who has, equally with the vendor, an equity,  
and does not, like the vendor, claim contrary to his own  
acknowledgment by his conveyance, that the money was  
paid, which the mortgagee no doubt gave credit for. His  
Lordship then adds, "that upon the authority of *Nairne*



*hope v. Lord Verney*, we may, perhaps, venture to say that an equitable mortgage by deposit of deeds to a person, bona fide and without notice, will give him a preferable equity, and will overreach the vendor's equitable lien on the estate for any part of the purchase money."

In the case of *Rice v. Rice* the vendor executed an assignment of leaseholds, which recited the payment of the whole purchase money, and had an indorsement of the common receipt clause; at the same time the other title deeds were delivered over to the purchaser. The whole of the purchase money was not paid, the vendor, upon the promise of the vendee to pay in a few days, allowing the payment to stand over. The day after the execution of the deed the purchaser deposited the assignment and title deeds, with a memorandum, to secure an antecedent debt, and then absconded without paying either the vendor or the equitable mortgagee. Sir R. T. Kindersley, V. C., held that the equitable mortgagee was entitled to priority, upon the ground that he had the better equity. His Honor said that it appeared to him, that in all cases of contest between parties having equitable interests, the conduct of the parties, and all the circumstances, must be taken into consideration, in order to determine which had the better equity; that everything in the present case seemed in favour of the defendant, the equitable mortgagee. The vendors, when they sold the estate, chose to leave part of the purchase money unpaid, and yet executed and delivered to the purchaser a conveyance, by which they declared in the most solemn and deliberate manner, both in the body and by a receipt indorsed, that the whole purchase money had been duly paid. They might still have required that the title deeds should remain in their custody, with a memorandum, by way of equitable mortgage, as a security for the unpaid purchase money; and if they had done so, they would have been secure against any subsequent equitable incumbrance; but that they did not choose to do, and the deeds were delivered to the purchaser.

Thus they voluntarily armed the purchaser with the means of dealing with the estate as the absolute legal and equitable owner, free from every shadow of incumbrance or adverse equity. The mortgagee was guilty of no negligence, as he was justified in trusting to the security of the deposit, without the slightest obligation to go and inquire of the vendors whether they had received all the purchase money, when they had already given their solemn assurance in writing that they had received every shilling of it, and had conveyed the estate and delivered over the deeds. The defendant had omitted nothing that was necessary to constitute a complete and effectual equitable mortgage.

The case of *Rice v. Rice* does not conflict with *Mackreth v. Symmons*, (15 Ves. 329), decided by Lord Eldon, as in that case the contest lay between a person having a lien for unpaid purchase money, and a person who had subsequently obtained from the purchaser a mere contract for a mortgage, but without having any title deeds handed over to him. In that case, therefore, the equitable mortgagee had not a better equity than the person claiming the vendor's lien, who was therefore

entitled to priority—in other words, adopting the rule as enunciated by the Vice-Chancellor, the equitable interests of the two claimants being in all other respects equal, priority of time gave the better equity.

## Correspondence.

### THE COUNTY COURTS.

TO THE EDITOR OF "THE JURIST."

SIR,—“A County Court Judge” has answered my strictures on his order in a tone which shews that they do not touch him very nearly, and that in point of temper at least he is judicially qualified; but either he wants skill as an advocate, or his cause is indefensible. I condemned the limiting of the plaintiff to a recovery of his debt by instalments. The Judge answers—first, that sometimes a plaintiff asks for payment by instalments; secondly, that immediate payment is sometimes ordered; thirdly, that debtors should not be kept in prison at the public expense; and, fourthly, that it is hard to sell up a debtor of the labouring class. Answers Nos. 1 and 2 do not concern me: I only complained of orders for deferred payment against the plaintiff's wish. To No. 3 I reply, that any objection to imprisonment for debt generally must apply as much to imprisonment for disobeying an order for deferred payment as to any other case. But what I ask for is immediate execution against the goods. If that is granted, I have no objection to protect the person on the terms of payment by reasonable instalments. 4. I cannot see any distinction between a labouring debtor and another which should entitle the former to peculiar indulgence. On the contrary, the lower a man is before he falls, the easier is his fall. A labourer or an artisan, when overtaken by individual distress, as distinguished from a calamity affecting his class, (which an order for payment by instalments would not remedy), can always get on his feet, or it is his own fault. But however this may be, I repeat that the duty of a debtor is to pay his debt according to his contract: that it is impossible for any judge, on the hearing of a plaint, to ascertain the real circumstances, character, and expectations of the debtor; and even if the facts were ascertained, there is not one judge in twenty whose discretion in the matter of indulgence is to be trusted: that while strict justice is clearly the right of the creditor, it is possible that the hardship to him of deferring his remedy may be greater than that of enforcing it would be to the debtor; and that the right of granting indulgence resides exclusively in the creditor, who alone can know whether there is ground for it. As for vindictive creditors, one meets with them in the novels and plays of the last century, but I never heard of one in actual life. We see occasionally a martyr in the cause of public justice, who will be at some cost of time and money to punish a fraudulent debtor, but such examples are rarer than I could wish them to be.

In support of my assertion that the administration of justice in the county courts is not unfrequently biased by unworthy motives, I may appeal to the experience of your readers. Not many days ago I mentioned, in the presence of four lawyers, each of considerable experience in various county courts, a flagrant case of injustice committed by a local judge in favour of a boon companion. I mentioned neither name nor place. One of my auditors said, “That must be X.,” another said, “It is just what Y. would have done;” and a third added, “Both X. and Z. are quite capable of it.” But the hero of my tale was W.

I believe that barristers are not in the habit of treating county court judges with disrespect. If in-

stances to the contrary occur, they only furnish reason for regretting that the average character of the county courts is not so high as to render such scenes as impossible there as they are in the superior courts.

Lastly, when I am told that the superior judges make more blunders than those of the counties, and that the more expensive litigation of important causes is due, not to the magnitude of the stake, but to the inferiority of the tribunal, (for that is the issue), I perceive that your correspondent's coolness begins to fail, and take the hint to preserve my own by closing the discussion. T.

### COURT OF QUEEN'S BENCH.

EASTER TERM.—17 VICTORIA.—*May 4, 1854.*

This Court will on Friday the 12th, and Saturday the 13th days of May instant hold sittings, and will proceed in disposing of the business now pending in the Special and New Trial Papers, and give judgment in cases previously argued.

BY THE COURT.

### COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.

The Lord Chancellor, under the powers of the 16 & 17 Vict. c. 78, intituled "An Act relating to the Appointment of Persons to administer Oaths in Chancery, and to Affidavits made for Purposes connected with Registration," has appointed the following gentlemen to be Commissioners for administering Oaths in Chancery:—

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Alfred Clark, Moulton, Lincolnshire.

Frederick Morehouse Metcalfe, Wisbeach, Cambridgeshire.

William Sutton Page, Stroud, Gloucestershire.

### London Gazettes.

FRIDAY, MAY 5.

#### BANKRUPTS.

GEORGE NATHANIEL GRANE, Chateley, Sussex, surgeon and apothecary, May 13 at half-past 12, and June 16 at half-past 1, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Fesemeyer, 23, Bedford-row.—Petition filed May 3.

JOSEPH BAILEY MILLINGTON, Marlborough-place, Harrow-road, Paddington, Middlesex, builder, May 16 at 1, and June 15 at 2, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Trail, Hare-court, Temple.—Petition filed April 28.

JOSEPH BUHRER, Holborn-hill, London, fancy ware-houseman, dealer and chapman, (now a prisoner in White-cross-street Prison), May 15 and June 14 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Clutton & Ade, 48, High-street, Southwark.—Petition filed May 4.

THOMAS HUGHES, Wednesbury, Staffordshire, innkeeper, plumber, glazier, and painter, May 20 and June 10 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Duignan & Hemmant, Walsall; E. & H. Wright, Birmingham.—Petition dated May 3.

JAMES BOWERMAN, Gloucester, common brewer, May 16 and June 13 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Smith, Gloucester.—Petition filed April 28.

THOMAS BENJAMIN KING, York, manufacturer of paper hangings, dealer and chapman, May 18 and June 16 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Richardson & Co., York; Bulmer, Leeds.—Petition dated April 24.

WILLIAM WOOD, Stalybridge, Lancashire, smith, hardware manufacturer, dealer and chapman, May 19 and June 16 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sol. Brooks, Ashton-under-Lyne.—Petition filed April 29.

JOHN HUNTER, Manchester, wholesale tea and coffee merchant, (under the style of John Hunter & Co.), May 22 and June 14 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Worthington & Earle, Manchester.—Petition filed May 3.

#### MEETINGS.

W. Burrell, Thornes-lane, Wakefield, Yorkshire, merchant, May 30 at half-past 12, District Court of Bankruptcy, Leeds, ch. ass.—Joseph Grave, Manchester, warehouseman, May 23 at 12, District Court of Bankruptcy, Manchester, last ex.—William Harknell, Barking, Essex, builder, May 17 at 12, Court of Bankruptcy, London, and. ac.—Valentine H. Gey, Blackfriars-road, Surrey, and Strand, Middlesex, tailor, May 17 at 12, Court of Bankruptcy, London, and. ac.—H. Kirk, Portland-terrace, St. John's-wood, Middlesex, hay dealer, May 17 at 12, Court of Bankruptcy, London, and. ac.—Fred. Bhear, George-yard, Lombard-street, London, hotel keeper, May 15 at 12, Court of Bankruptcy, London, and. ac.—Joseph Goble, Shoreham, Sussex, miller, May 15 at 12, Court of Bankruptcy, London, and. ac.; May 24 at half-past 2, div.—R. N. Newton and T. G. Payne, New Park-st., Southwark, Surrey, gas engineers, May 19 at 12, Court of Bankruptcy, London, and. ac.—G. Alcock, Manchester, draper, May 17 at 12, District Court of Bankruptcy, Manchester, and. ac.—R. A. Dorrington, Manchester, woollen cloth merchant, May 17 at 12, District Court of Bankruptcy, Manchester, and. ac.—Isaac Fineberg, Manchester, jeweller, May 16 at 12, District Court of Bankruptcy, Manchester, and. ac.—John Gray, Hulme, Manchester, butcher, May 16 at 12, District Court of Bankruptcy, Manchester, and. ac.; May 30 at 12, div.—Henry H. King, Bristol, bookseller, May 18 at 11, District Court of Bankruptcy, Bristol, and. ac.; May 29 at 11, div.—Samuel G. M. Scovon, Wood-street, Cheapside, London, warehouseman, May 17 at 2, Court of Bankruptcy, London, div.—Francis Adamson, Bond-court, Walbrook, London, merchant, May 27 at 1, Court of Bankruptcy, London, div.—Davis Fraser, Little Tower-street, London, shipowner, May 27 at half-past 1, Court of Bankruptcy, London, div.—Thomas Lumley, Gutter-lane, Cheapside, London, merchant, May 29 at 12, Court of Bankruptcy, London, fin. div.—

*Antonio J. Meirelles*, Liverpool, merchant, May 29 at 12, Court of Bankruptcy, London, div.—*Thomas Gidden*, Faringdon, Berkshire, victualler, May 29 at 12, Court of Bankruptcy, London, fin. div.—*Richard Cross*, Southampton, watchmaker, May 26 at half-past 12, Court of Bankruptcy, London, div.—*George Nock* and *John Williams*, Frith-street, Soho, Middlesex, goldsmiths, May 27 at 11, Court of Bankruptcy, London, div.—*Alexander Colvin*, *William Ainslie*, *Bazett D. Colvin*, *Thomas Anderson*, and *Daniel Ainslie*, Calcutta, Bengal, merchants, May 27 at 12, Court of Bankruptcy, London, div.—*J. Ashworth*, Litchurch, near Derby, Derbyshire, hotel keeper, May 26 at 10, District Court of Bankruptcy, Nottingham, aud. ac. and div.—*Daniel Edgar Monies*, Liverpool, broker, May 26 at 11, District Court of Bankruptcy, Liverpool, div.—*Ann Stuart Burns*, Liverpool, hostess, May 26 at 11, District Court of Bankruptcy, Liverpool, div.—*John Page Reilly*, Litherland, Lancashire, coal merchant, May 26 at 11, District Court of Bankruptcy, Liverpool, div.—*James M. Colm*, Manchester, waste dealer, May 29 at 12, District Court of Bankruptcy, Manchester, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Henry Whitmore*, Stockport, Cheshire, tailor, May 27 at 2, Court of Bankruptcy, London.—*Thomas Davis* and *Wm. W. G. Garrett*, Rathbone-place, Oxford-street, Middlesex, export oilmen, May 27 at 1, Court of Bankruptcy, London.—*Wm. G. Leo*, Portland-street, Walworth, near Guildford-street, Surrey, salt merchant, May 26 at 11, Court of Bankruptcy, London.—*John Cox*, Bridgefield-villa, Wandsworth, Surrey, builder, May 26 at 12, Court of Bankruptcy, London.—*Henry H. King*, Bristol, bookseller, June 6 at 11, District Court of Bankruptcy, Bristol.—*James Hughes*, Birkenhead, Cheshire, coal merchant, May 26 at 11, District Court of Bankruptcy, Liverpool.—*John Gray*, Hulme, Manchester, butcher, May 30 at 12, District Court of Bankruptcy, Manchester.—*W. Crawshaw*, Wakefield, Yorkshire, draper, June 5 at half-past 11, District Court of Bankruptcy, Leeds.—*Thomas Turner*, Mosbrough, Eckington, Derbyshire, grocer, May 27 at 10, District Court of Bankruptcy, Leeds.

*To be granted, unless an Appeal be duly entered.*

*John Angus Homes*, High-st., Southwark, and Portland-cottages, Hatcham, Surrey, woollendrapers.—*George Stewart Amsinck*, Frederick-st., Hampstead-road, Middlesex, common brewer.—*Louisa Matilda Rachel Smith*, Salisbury-st., Strand, Middlesex, boarding-house keeper.—*H. Erskine Wethered*, Churton-st., Pimlico, Middlesex, linen-draper.—*John Byton* and *Maria Joscelin Cooke*, Newcastle-upon-Tyne, merchants.—*Robert Cleasby*, Eccles, Lancashire, builder.—*Dobson Ulyett*, Sheffield, Yorkshire, draper.

#### SCOTCH SEQUESTRATIONS.

*John Aitken*, Glasgow, contractor.—*Ralston & Houston*, Paisley, commission merchants.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*William Ruglys*, Canterbury, Kent, eating-house keeper, May 12 at 11, County Court of Kent, at Canterbury.—*Joseph Harrison*, Kingston-upon-Hull, Yorkshire, licensed victualler, May 19 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*Wm. Lewis*, Caerphilly, near Cardiff, Glamorganshire, weaver, May 19 at 10, County Court of Glamorganshire, at Cardiff.—*John Shutt*, Galle, Penkridge, Staffordshire, blacksmith, May 23 at 9, County Court of Staffordshire, at Wolverhampton.—*Samuel Mills*, Wolverhampton, Staffordshire, bricklayer, May 23 at 9, County Court of Staffordshire, at Wolverhampton.—*Joseph Fawcett*, Middleham, Yorkshire, innkeeper, May 18 at 10, County Court of Yorkshire, at Leyburn.—*John Galloway*, Normanby, Yorkshire, policeman, May 19 at 11, County Court of Yorkshire, at Stokesley.—*John Whitlock*, (and not *Whillock*, as advertised in last Tuesday's Gazette), Kidlington, Oxfordshire, horse dealer, May 18 at half-past 11, County Court of Oxfordshire, at Woodstock.—*Henry Rowley*, Charlbury, Oxfordshire, schoolmaster, May 27 at 12, County Court of Oxfordshire, at Chipping Norton.—*Henry Walls*, Ripon, Yorkshire, innkeeper, May 15 at 10, County Court of Yorkshire, at Ripon.—*George Rust*,

Abingdon, Berkshire, baker, May 25 at 11, County Court of Berkshire, at Abingdon.—*George English*, Ramsgate, Kent, upholsterer, May 9 at 10, County Court of Kent, at Ramsgate.—*Richard Barker*, Stoke-upon-Trent, Staffordshire, commission agent, May 26 at 10, County Court of Staffordshire, at Stoke-upon-Trent.—*Edwin Cartledge*, Northwood, near Hanley, Stoke-upon-Trent, Staffordshire, assistant to a market gardener, May 24 at 10, County Court of Staffordshire, at Hanley.—*William Newman*, Drayton Beauchamp, Buckinghamshire, coachbuilder, May 18 at 1, County Court of Buckinghamshire, at Aylesbury.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*May 19 at 10, before the CHIEF COMMISSIONER.*

*Richard Redburn*, Newman-street, Oxford-street, Middlesex, shopman.

*May 22 at 11, before the CHIEF COMMISSIONER.*

*John Bumpus*, John-st., Mile-end-road, Middlesex, out of business.—*Thos. Lindsay Wiss*, Pownall-terrace, Kennington-cross, Surrey, cabinet maker.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*May 19 at 10, before the CHIEF COMMISSIONER.*

*George Yasley*, Bridge-row, Pimlico, Middlesex, smith.—*Wm. Edwards*, Albert-street, Shadwell, Middlesex, mate of the barque Royalist.

*May 19 at 10, before Mr. Commissioner MURPHY.*

*G. T. Hiller*, Great Cambridge-street, Hackney-road, Middlesex, general merchant.—*C. Nichols*, Great Portland-street, St. Marylebone, Middlesex, painter.—*Charles Warwick* the younger, Albert-cottage, Cowley-road, Brixton, Surrey, merchant's clerk.

*May 20 at 11, before Mr. Commissioner PHILLIPS.*

*Edward Flanagan*, Molyneux-street, Edgeware-road, Middlesex, out of business.—*J. Castle*, Helmet-row, St. Luke's, Middlesex, baker.

*May 22 at 11, before Mr. Commissioner PHILLIPS.*

*W. Henderson*, Canterbury-road, Ball's-pond-road, King'sland, Middlesex, manufacturing chemist.—*J. Price*, Burford-terrace, Liverpool-road, Islington, Middlesex, out of business.—*Wm. L. Brown*, Smith-street, Chelsea, Middlesex, clerk in the Audit-office, Somerset House.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Hampshire, at WINCHESTER, May 19.*

*Solomon Hart*, Portsea, clothier.

*At the County Court of Glamorganshire, at CARDIFF, May 19.*

*John Thomas*, Eglwysilan, draper.—*Samuel Thomas*, Canton, near Cardiff, out of business.

*At the County Court of Yorkshire, at YORK, May 22.*

*Thomas Clement*, Leeds, lessee of the Barrack Canteen.—*Richard Wrathall*, Skipton, grocer.—*Henry Hargreaves*, Leeds, out of business.—*H. S. Gerforth*, Bradford, out of business.—*John F. Lupton*, Sheffield, out of business.—*John Holroyd*, Middlesbrough-on-Tees, licensed victualler.—*H. Tasker*, Dore, near Sheffield, publican.—*Henry Beirstow*, York, out of business.—*John Chaffers*, New Wortley, near Leeds, joiner.—*James Bennister*, Bramley, near Leeds, cabinet maker.—*Wm. Richardson*, York, out of business.—*Henry Whitehead*, Thornhill Lees, near Dewsbury, out of business.—*George Sheard*, West Ardsley, near Wakefield, publican.—*Edward Ibbotson*, Sheffield, out of business.

*May 23, at the same Place.*

*Jesse Crosland*, Skipton, traveller to a tobaccoist.—*James Stanfield*, Rotherham, hairdresser.—*Henry Rooke*, Rother-

ham, out of business.—*Thomas Thorpe*, Swithwaite, near Huddersfield, cloth miller.—*James Clapham*, Otley, gardener.—*John Craven* the younger, Ledget, near Keighley, joiner.—*L. A. Hesting*, Potter Newton, near Leeds, quarryman.—*Wm. Walker*, Pudsey, near Leeds, cloth weaver.—*James Skittleworth*, Bradford, beerhouse keeper.—*G. Brethrick* the younger, Bramley, near Leeds, cloth manufacturer.—*S. Townsend*, Hawksclough, near Hebdenbridge, near Halifax, dyer.—*L. Bradley*, Guiseley, near Otley, woollen cloth manufacturer.—*Thomas Lupton*, Bradford, assistant to a rag dealer.—*A. Heslin*, Bramley, near Leeds, cloth manufacturer.—*John Webster*, Leeds, shoemaker.—*Samuel Taylor*, Halifax, farm labourer.

## TUESDAY, MAY 9.

## BANKRUPTS.

**WILLIAM HILL** and **THOMAS CAMPION LAWRENCE**, Lime-street, London, ship and insurance agents, dealers and chapmen, May 19 at 2, and June 23 at 1, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Ellis & Co., 12, Clement's-lane, London.—Petition filed May 4.

**NOCKALLS JOHNSON COTTINGHAM**, Argyll-place, Regent-street, Middlesex, surveyor, builder, contractor, dealer and chapman, May 19 and June 23 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Darvill, Windsor, Berks; Depree & Austen, 9, Lawrence-lane, Cheapside, London.—Petition filed April 28.

**HENRY BOXALL**, Guildford, Surrey, carpenter and builder, (now a prisoner for debt in her Majesty's Queen's Bench Prison), May 23 at 2, and June 20 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Dodd, 26, New Broad-street, London.—Petition filed May 4.

**JOSEPH J. WELLS**, Coventry, haberdasher, May 19 at half-past 1, and June 23 at 2, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Goddard, 29, King-street, Cheapside, London.—Petition filed April 24.

**JOHN FEATON**, Three Colt-street, Limehouse, Middlesex, draper, May 18 at half-past 12, and June 22 at half-past 11, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Goddard, King-street, Cheapside.—Petition filed May 3.

**ELY KITSON**, Fenchurch-street, London, saddler and harness maker, May 18 at half-past 1, and June 22 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Berkett, Curriers' Hall, London-wall.—Petition filed April 24.

**ROBERT EWIN**, High-street, Islington, Middlesex, upholsterer, May 18 at 11, and June 17 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Pain, 5, Gresham-street, London.—Petition dated April 29.

**WILLIAM HOLLOWAY**, Watford, Hertfordshire, coal and corn merchant, dealer and chapman, May 18 at half-past 11, and June 17 at half-past 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Thompson & Co., Salters' Hall, St. Swithin's-lane, London, and St. Albans, Herts.—Petition dated April 4.

**JAMES TOWNSEND WIGNEY**, Huddersfield and Wakefield, Yorkshire, wine and spirit merchant, innkeeper, dealer and chapman, May 26 and June 16 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Robinson, Huddersfield; Bond & Barwick, Leeds.—Petition dated May 8.

**THOMAS HIND**, Sheffield, Yorkshire, joiner and builder, May 20 and June 17 at 10, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sol. Fernell, Sheffield.—Petition dated May 2, and filed May 3.

## MEETINGS.

*Joseph Goble*, Shoreham, Sussex, miller, May 24 at half-past 2, Court of Bankruptcy, London, last ex.—*Alfred Ford*, Lowndes-street, Belgrave-square, Middlesex, surgeon, May 23 at 2, Court of Bankruptcy, London, last ex.—*Henry Jesse*, Basingstoke, Southampton, corn factor, May 24 at 12, Court of Bankruptcy, London, aud. ac.; May 30 at 12, div.—*F. Shove*, Eltham, Kent, grocer, May 24 at 12, Court of Bankruptcy, London, aud. ac.; May 31 at half-past 12, div.—*Richard Cross*, Southampton, watchmaker, May 19 at half-past 11, Court of Bankruptcy, London, aud. ac.—*W. Smith*, Bolton-le-Moors, Lancashire, grocer, May 26 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Henry Huggins*,

Manchester, wood-type cutter, May 26 at 12, District Court of Bankruptcy, Manchester, aud. ac.; June 2 at 12, div.—*Isaac Blackburn* and *Wm. S. Stiebel*, Leeds, Yorkshire, iron-founders, June 1 at 11, District Court of Bankruptcy, Leeds, aud. ac.; June 2 at 11, div.—*John Ireland*, Kingston-upon-Hull, Yorkshire, draper, June 7 at 12, District Court of Bankruptcy, Kingston-upon-Hull, aud. ac. and div.—*John Atkinson*, Kingston-upon-Hull, seed crusher, June 7 at 12, District Court of Bankruptcy, Kingston-upon-Hull, aud. ac.—*Micah Mellor*, Clare, Suffolk, innkeeper, June 1 at 12, Court of Bankruptcy, London, div.—*Robert M. Wright* and *Joseph Smith Austie*, Upper Thames-street, London, drysalers, June 1 at 12, Court of Bankruptcy, London, div. joint est., and div. sep. est. of *Joseph Smith Austie*.—*John Barrell*, Billericay, Essex, grocer, June 1 at 11, Court of Bankruptcy, London, div.—*Henry Groom*, Bray, Berkshire, miller, June 1 at half-past 12, Court of Bankruptcy, London, div.—*Claudius A. Scrivener*, Old Change, London, milliner, May 31 at 2, Court of Bankruptcy, London, div.—*George H. Bradberry* and *George Rice Lowe*, Great Tower-street, London, flour factors and merchants, May 30 at 1, Court of Bankruptcy, London, div. sep. est. of *George Rice Lowe*.—*Joseph Windle Cole*, Great Winchester-street, London, merchant, May 31 at half-past 1, Court of Bankruptcy, London, div.—*James Black* and *Rupert Cope*, Earl-street, Blackfriars, London, iron merchants, May 31 at 1, Court of Bankruptcy, London, div.—*Robert Bishop*, Vere-street, Oxford-street, Middlesex, hotel keeper, May 30 at 12, Court of Bankruptcy, London, div.—*Daniel W. Lucas* and *Isaac Dods*, Arthur-street West, London, hemp merchants, May 30 at 1, Court of Bankruptcy, London, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*James Crafts*, Threadneedle-street, London, wine broker, June 1 at 11, Court of Bankruptcy, London.—*S. Sterne*, Great St. Helen's-chambers, Great St. Helen's, London, merchant, May 31 at 2, Court of Bankruptcy, London.—*F. Shove*, Eltham, Kent, grocer, May 31 at half-past 12, Court of Bankruptcy, London.—*D. W. Lucas* and *I. Dods*, Arthur-street West, London, hemp merchants, May 30 at 1, Court of Bankruptcy, London.—*Wm. Adams*, Canterbury, Kent, miller, May 30 at 2, Court of Bankruptcy, London.—*Wm. Jones*, Liverpool, slater, June 1 at 11, District Court of Bankruptcy, Liverpool.—*Wm. Duncan*, Kingston-upon-Hull, Yorkshire, grocer, June 7 at 12, District Court of Bankruptcy, Kingston-upon-Hull.—*Noah Lee*, Bingley, Yorkshire, innkeeper, June 16 at 11, District Court of Bankruptcy, Leeds.

*To be granted, unless an Appeal be duly entered.*

*B. Perfit*, Artillery-street, Bermondsey, Surrey, stonemason.—*Jacob Stone*, Little Moorfields, London, coachmaker.—*George Brooks*, Tunbridge Wells, Kent, tailor.—*J. Strutt*, Catherine-street and Buckingham-street, Strand, Middlesex, newspaper proprietor.—*J. F. Hodges*, New Bond-street, Middlesex, hosier.—*Wm. Brunton*, Bradford, Yorkshire, joiner.—*S. Bartholomew*, Birmingham, licensed victualler.—*John Ashworth*, Litchurch, near Derby, hotel keeper.

## PETITION ANNULLED.

*Lewis Davies*, Canton-street, East India-road, Middlesex, shipowner.

## PARTNERSHIPS DISSOLVED.

*Thomas Orchard* and *George James Eady*, attorneys and solicitors.—*Alfred Robinson* and *Robert Haynes*, Orchard-street, Portman-square, Middlesex, solicitors.

## SCOTCH SEQUESTRATION.

*Wm. Naismith*, Glasgow, currier.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Mary Francis*, Liverpool, schoolmistress, May 15 at 10, County Court of Lancashire, at Liverpool.—*George Francis*, Liverpool, tobacconist, May 15 at 10, County Court of Lancashire, at Liverpool.—*Adam Patterson*, Liverpool, selling

horses on commission, May 15 at 10, County Court of Lancashire, at Liverpool.—*Wm. H. Partridge*, Aston, Warwickshire, factor's clerk, May 20 at 10, County Court of Warwickshire, at Birmingham.—*G. Sadler*, Birmingham, huckster, May 20 at 10, County Court of Warwickshire, at Birmingham.—*Wm. H. Elkington*, King's Heath, Worcestershire, attorney-at-law, May 20 at 10, County Court of Warwickshire, at Birmingham.—*Wm. A. Howlett*, Aston New Town, near Birmingham, carver, May 20 at 10, County Court of Warwickshire, at Birmingham.—*George Carter*, Charing, Kent, tea dealer, May 15 at 10, County Court of Kent, at Ashford.—*Joseph Tuft*, Brabourne, Kent, baker, May 15 at 10, County Court of Kent, at Ashford.—*John Barrow*, Wombidge, Shropshire, provision dealer, May 19 at 10, County Court of Shropshire, at Wellington.—*R. Boustead*, Allawood, Wetheral, Cumberland, innkeeper, May 22 at 10, County Court of Cumberland, at Carlisle.—*Joseph Rush*, Peter's Syke, Rockliff, Cumberland, brickmaker, May 22 at 10, County Court of Cumberland, at Carlisle.—*William Humphreys*, Llwyn, Llanfyllin, and Llangynog, Montgomeryshire, May 26 at 10, County Court of Montgomeryshire, at Llanfyllin.—*Robert Stone*, Dudley, Worcestershire, licensed victualler, May 26 at 9, County Court of Worcestershire, at Dudley.—*Wm. Geare*, Kates Hill, near Dudley, Worcestershire, miner, May 26 at 9, County Court of Worcestershire, at Dudley.—*S. G. Read* the younger, Norwich, police constable, May 19 at 10, County Court of Norfolk, at Norwich.—*William Mason*, Norwich, ironfounder, May 19 at 10, County Court of Norfolk, at Norwich.—*Stephen Peter Wells*, Norwich, merchant's clerk, May 19 at 10, County Court of Norfolk, at Norwich.—*Robert de Carle*, Norwich, clerk to a wine merchant, May 19 at 10, County Court of Norfolk, at Norwich.—*George Franklin*, Cambridge, licensed victualler, May 15 at 10, County Court of Cambridgeshire, at Cambridge.—*Robert Harris*, Totnes, Devonshire, baker, June 22 at 11, County Court of Devonshire, at Totnes.—*Alfred King*, Southtown, Suffolk, baker, May 23 at 10, County Court of Norfolk, at Great Yarmouth.—*Jas. F. Smith*, Great Yarmouth, Norfolk, baker, May 23 at 10, County Court of Norfolk, at Great Yarmouth.—*James Bignell*, Brighton, Sussex, coachmaker, May 20 at 10, County Court of Sussex, at Brighton.—*J. Powles*, Brighton, Sussex, pewterer, May 20 at 10, County Court of Sussex, at Brighton.—*Richard Boswell*, Brighton, Sussex, publican, May 20 at 10, County Court of Sussex, at Brighton.—*Edward Verrall*, Alfriston, Sussex, shoemaker, May 16 at 12, County Court of Sussex, at Lewes.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*May 24 at 10, before the CHIEF COMMISSIONER.*

*John Coe*, New-grove Nursery, Regent-street, Mile-end, Middlesex, florist.—*Thos. Howe*, Goswell-street, St. Luke's, Middlesex, provision dealer.—*Wm. Thomas Ward*, London-road, Southwark, Surrey, furniture broker.

*May 24 at 10, before Mr. Commissioner MURPHY.*

*George Cosens*, Enfield, Middlesex, grocer.—*Matthew Duncomb*, Downshire-hill, Hampstead, Middlesex, baker.—*Thos. G. Fisher*, East London-place, Cambridge-heath, Middlesex, printer.—*George Dearden*, Gray's-inn-lane, Holborn, Middlesex, carpenter.—*George Black*, Woolwich, Kent, master smith.—*Henry James Beagant*, Henrietta-street, St. Luke's, Middlesex, carpenter.

*May 25 at 11, before Mr. Commissioner PHILLIPS.*

*Benjamin Orchard*, Shenley, near Barnet, Hertfordshire, farmer.—*J. Don*, Brett's-buildings, St. John's-road, Hoxton, Middlesex, warehouseman.—*George Palmer*, Bowling-green-walk, Pitfield-street, Hoxton, Middlesex, plumber.—*William Glanvill*, White Lion-street, Pentonville, Middlesex, billiard-table keeper.—*J. Collins*, Tavistock-place, Tavistock-square, St. Pancras, Middlesex, hatter.

*Saturday, May 6.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's Inn-fields, on giving the Number of the Case.*

*James Mort*, Newcastle-upon-Tyne, hat manufacturer, No.

77,636 C.; *Freeman Cohen*, assignee.—*Richard J. S. Robin*, St. Martin's-le-Grand, City, out of business, No. 77,637 C.; *John Wyatt*, assignee.—*W. E. Archer*, St. John's-street, Clerkenwell, Middlesex, innkeeper, No. 62,950 T.; *Joseph Manning*, assignee.—*Charles John Turner*, Howard's-row, Plaistow, Essex, carpenter, No. 64,130 T.; *John C. Dexter*, assignee.—*John T. J. English*, Strand, Middlesex, captain 1st West India Regiment, No. 64,210 T.; *Robert Addams*, assignee.—*Robt. Rigg*, Great Suffolk-st., Southwark, Surrey, linendraper, No. 64,239 T.; *Robert Wyllie*, assignee.

*Saturday, May 6.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Mary Ann Fisher*, Portland-street, Soho, Middlesex, cook: in the Debtors Prison for London and Middlesex.—*Thomas Trill*, Apollo-buildings, Walworth, Surrey, manager of an export beer business: in the Debtors Prison for London and Middlesex.—*William Thomas Plumb*, Wellington-place, Old Kent-road, Surrey, baker: in the Gaol of Surrey.—*Richard Albert Moll*, Clapton-square, Clapton, Middlesex, professor of languages: in the Queen's Prison.—*J. Brown*, Granville-square, Clerkenwell, Middlesex, pensioner: in the Debtors Prison for London and Middlesex.—*W. Blandell*, Hanover-cottages, St. John's-wood, Middlesex, surgeon-dentist: in the Queen's Prison.—*J. Watt*, Robert-street, Limehouse, Middlesex, chief mate of a trading vessel: in the Debtors Prison for London and Middlesex.—*John Crocker*, Goodge-street, Tottenham-court-road, Middlesex, greengrocer: in the Debtors Prison for London and Middlesex.—*Frederick Errington*, St. George's-place, High-street, Camberwell, Surrey, jeweller: in the Gaol of Surrey.—*John Dodsworth*, Commercial-road, Lambeth, Surrey, compositor: in the Gaol of Surrey.—*G. F. White*, Tyer-st., Lambeth-walk, Surrey, potato dealer: in the Gaol of Surrey.—*Jos. J. Rast*, Little Randolph-st., Camden-town, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—*T. Ludlam* the elder, Little Britain, London, dissenting minister: in the Debtors Prison for London and Middlesex.—*E. Barrett*, Stepney-green, Middlesex, bookseller: in the Debtors Prison for London and Middlesex.—*John Holmes*, York-chambers, John-st., Adelphi, Middlesex, managing agent to the Athenæum Life Office: in the Queen's Prison.—*Edw. Dornan*, Goldsmith-place, Southwark-bridg-road, Surrey, hatter: in the Queen's Prison.—*Thos. Robert Cooper*, Park-row, Knightsbridge, Middlesex, modeller: in the Queen's Prison.

*(On Creditor's Petition).*

*George Middleton Ball*, John-st., St. George's-in-the-East, Middlesex, appraiser: in the Queen's Prison.

*(On their own Petitions).*

*David Harrison*, Blackburn, Lancashire, wholesale butcher: in the Gaol of Lancaster.—*John William Mills*, Cirencester, Gloucestershire, stationer: in the Gaol of Gloucester.—*John Firth*, Leeds, Yorkshire, stonemason: in the Gaol of York.—*Edmund Smith* the elder, Audley, Staffordshire, in no business: in the Gaol of Stafford.—*John Wilbraham Levingham*, Dover, Kent, out of business: in the Gaol of Dover.—*Thos. Leadbeater*, Mirfield, Yorkshire, attorney-at-law: in the Gaol of York.—*Wm. Low*, Bristol, blacksmith: in the Gaol of Bristol.—*John Bileborough* the younger, Clitheroe, Lancashire, out of business: in the Gaol of Lancaster.—*Jas. Gill*, Sheffield, Yorkshire, out of business: in the Gaol of York.—*John Daniels*, Anglesea, near Gosport, Southampton, out of business: in the Gaol of Winchester.—*Wm. Clayton*, Stockport, Cheshire, joiner: in the Gaol of Chester.—*John Sloman West Herring*, St. Thomas-the-Apostle, Devonshire, attorney-at-law: in the Gaol of St. Thomas-the-Apostle.—*Elizabeth Lake*, Torr Down Farm, Swimbridge, Devonshire, in no business: in the Gaol of St. Thomas-the-Apostle.—*Edward J. May*, St. Heliers, Jersey, out of business: in the Gaol of Winchester.—*Wm. Mitchell*, Horsham, Sussex, miller: in the Gaol of Petworth.—*James Crangford*, Sheffield, Yorkshire, beer-house keeper: in the Gaol of York.—*Thos. Wainwright*, Hockley, Nottinghamshire, tailor: in the Gaol of Nottingham.—*James Holdick*, Eton, near Market Deeping, Northamptonshire, in no business: in the Gaol of Northampton.—*John Leing*, Hartlepool, Durham, publican: in the Gaol of Durham.—*George Farmer*, Shrewsbury, Shropshire, cattle dealer: in the Gaol of Shrewsbury.—*W. Taylor*, W.

ington, Lancashire, out of business: in the Gaol of Lancaster.—*Richard Greenhalgh*, Collyhurst, near Manchester, machinist: in the Gaol of Lancaster.—*T. Henry Allwood*, Liverpool, professor of music: in the Gaol of Lancaster.—*Thomas Warburton*, Rochdale, Lancashire, machinist: in the Gaol of Lancaster.—*Daniel Antrobus*, Salford, Lancashire, out of business: in the Gaol of Lancaster.—*Alfred Whaley Sanderson*, Lancaster, tea dealer: in the Gaol of Lancaster.—*Charles Turner*, Hollinwood, near Oldham, Lancashire, bricklayer: in the Gaol of Lancaster.—*Samuel Robinson*, Hulme, Manchester, tobacconist: in the Gaol of Lancaster.—*Edw. Halliley*, Leeds, Yorkshire, cloth finisher: in the Gaol of York.—*Thos. Crofford*, Elm, near Wisbeach, Isle of Ely, Cambridgeshire, dealer in seeds: in the Gaol of Cambridge.—*Charles Spring*, Peterborough, Northamptonshire, baker: in the Gaol of Northampton.

(On Creditor's Petition).

*Kensington Lewis*, Stratford-place, Oxford-st., Middlesex, not in any business: in the Gaol of Exeter.

The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

May 23 at 10, before Mr. Commissioner MURPHY.

*George Galloway*, Upper Weymouth-st., High-street, St. Marylebone, Middlesex, colourman.

May 24 at 10, before the CHIEF COMMISSIONER.

*Henry Heffer*, Grafton-street East, Tottenham-court-road, Middlesex, shoemaker.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Shropshire, at SHREWSBURY, May 23 at 10.

*George Farmer*, Shrewsbury, cattle dealer.

At the County Court of Gloucestershire, at BRISTOL, May 25 at half-past 10.

*Samuel Davies*, Bristol, out of business.

At the County Court of Warwickshire, at COVENTRY, July 1 at 10.

*Thomas Bagnall*, Birmingham, druggist's assistant.—*John Jones*, Wolverhampton, grocer.—*Thomas Bathgate*, Birmingham, woollendrapery.—*Thos. Smith*, Birmingham, dealer in tea.—*Edward Hawkes*, Birmingham, cigar manufacturer.—*Benjamin Styck*, Birmingham, tool maker.

#### INSOLVENT DEBTOR'S DIVIDEND.

*William Blackow*, Manchester, porter, May 16, at J. & W. Norris's, Manchester: 3s. 5½d. in the pound.

The Queen has been pleased to confer the honour of knighthood upon Richard Budden Crowder, Esq., one of the Judges of her Majesty's Court of Common Pleas.

**INNS OF COURT COMMISSION.**—The Queen has been pleased to appoint Sir William Page Wood, Knt., V. C.; Sir John Taylor Coleridge, Knt., J.; the Right Hon. Joseph Napier; Sir Alexander James Edmund Cockburn, Knt., A. G.; Sir Richard Bethell, Knt., S. G.; Sir Thomas Erskine Perry, Knt.; John George Shaw Lefevre, Esq.; Henry Singer Keating, Esq., Q. C.; Thomas Greenwood, Esq.; James Stewart, Esq.; and Germain Lavie, Esq., to be her Majesty's Commissioners for inquiring into the arrangements in the Inns of Court and Inns of Chancery for promoting the study of the law and jurisprudence, and securing a sound education to the students.

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# The Jurist

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LONDON, MAY 20, 1854.

An important bill now before Parliament, prepared and brought in by Mr. Headlam and Mr. Hutt, to “consolidate and amend the laws of mortmain, and the laws regulating gifts to charitable or religious purposes,” by which it is proposed to repeal the 9 Geo. 2, c. 36, (commonly known as the Mortmain Act), demands at the present moment attentive consideration. It proposes to repeal the Mortmain Act, except as to instruments executed on or before the 1st November, 1854, (sect. 1), and to enact that the exemptions from that act are not to be applicable to the present bill, (sect. 17), but that the facilities given by the Sites of Schools Acts are to be continued, (sect. 4).

By the 3rd section land may be conveyed, assigned, devised, or bequeathed to be used *exclusively* as a site for any church, chapel, churchyard, or parsonage-house belonging to the Established Church, or to be used exclusively as a site for any building to be devoted to purposes of religious worship, or for a burial-ground, or for a minister's house, by any sect or community, or as a school or college connected with any religious community, or as a site for any library, museum, or other building to be applied for the benefit of the public in the promotion of literature, science, or the fine arts, *subject only to the following conditions, viz.*—

That a copy of the conveyance, within *one month* after its execution, be delivered to the Charity Commissioners; or in case “the same has been left by will, then that *within three months* after the death of the testator, and a notice of the devise has come to any of the persons to whom the same has been devised, a copy of the

devise shall be delivered to the Charity Commissioners.” (Sect. 3).

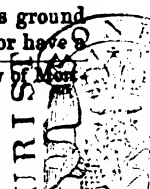
By the 5th section, where the quantity given for a site, under the 3rd section, “shall be greater than in the opinion of the Court of Chancery is requisite, or shall be greater than is actually used for the purpose,” power is given to recover in the Court of Chancery such portion of the land as is not so used, or is not so deemed requisite.

The power to give sites for the purposes mentioned in the 3rd section seems to us in every way unobjectionable, inasmuch as no partiality is shewn to any sect or community. The mode, however, of testing whether the quantity of land given for a site is excessive, viz. leaving it to be determined by the arbitrary judgment of the Court of Chancery, without any rule either with reference to the actual quantity of land, or the proportion it bears either to the value or quantity of the donor's other property, is liable to great objection, as having a tendency to lead to continued litigation, embarrassing to the judges and unsatisfactory to the public.

Power is then given to sell lands to trustees for charities, a copy of the conveyance one month after execution to be delivered to the Charity Commissioners. (Sect. 6). The alteration of the law proposed by this section seems to proceed upon the principle that the restrictions necessary in cases of voluntary gifts of land are not in general applicable where money already devoted to charity is laid out in land\*.

It seems, however, to be objectionable on this ground—that in process of time it either will put, or have a

\* See Report of the Select Committee on the Law of Mortmain, 1852.



tendency to put, a large extent of land in mortmain, and so take it out of circulation, the evils of which were, in our own country before the Reformation, and are in other countries at the present day, matters of notoriety.

The mode in which it is proposed that land should be conveyed to charitable purposes is similar to that in sect. 1 of stat. 9 Geo. 2, c. 36, except that instead of inrolling the deed in Chancery "a copy of it is to be delivered to the Charity Commissioners within six calendar months next after execution thereof;" and although the deed is to contain no reservation for the life of the grantor, it omits what is contained in the statute of Geo. 2, "or of any person or persons claiming under him." (Sect. 7).

It will be observed, that one important principle running all through the bill is, that the greatest publicity should be given to all trusts for charities; it therefore substitutes for enrolment in Chancery a very defective means of insuring publicity—the transmission of a copy of the enrolment to the Charity Commissioners.

Another innovation is, that land held by way of mortgage may be given to the person to whom the mortgage money is given. (Sect. 8\*). Except in the above-mentioned cases, no land, or any interest therein, is to be given on charitable trusts. (Sect. 9).

Stock, money due upon mortgage, and all forms of personal estate *connected with or savouring of reality*, (except leasehold estates and chattel interests in land), may be given by any person *during his lifetime* to any charitable purpose, on the following conditions:—

The transfer, or other legal solemnity, must be complete *three* calendar months before the death of the donor, and notice of the amount transferred, and the purposes to which it is to be applied, must be given to the Charity Commissioners within *one* month after the transfer. (Sect. 10).

All forms of personal property, except the particular descriptions mentioned in the 10th section, may be given to any charitable purpose by any person during his life, subject only to the following condition, viz.—

That whenever any gift is made for the purpose of founding any new charitable institution, the trusts whereof are declared by any deed, instrument, or writing, such deed, instrument, or writing is to be deemed void from the death of the donor, and the property so given is to be held *at his death* to be part of his estate, unless a copy of such deed, instrument, or writing has, during his life, been deposited with the Charity Commissioners. (Sect. 11).

Specific legacies for the promotion of art may be given without restraint. (Sect. 12).

*Any description of personal estate* may be bequeathed to any charitable purpose, subject to the following condition:—

That the will should be duly executed and attested *three months* before the death of the testator, and that, within *one month* after the death, or the execution thereof, a notice, signed by the testator, of the amount so given, and the nature of the trust to which it is given, is to be delivered to the Charity Commissioners. (Sect. 12).

Trustees of charities must sell within a reasonable time mortgaged land to which they become absolutely entitled. (Sect. 14).

Defective execution of powers by will in favour of charities are to be no longer aided in equity. (Sect. 15). Except in the cases before provided for, no personal estate is to be given or bequeathed to a charity. (Sect. 16).

In order that the charitable or religious purposes to

\* It will be seen in a subsequent section that such land must be aliened within a certain number of years.

which any property is devoted should not be kept secret, trustees are rendered personally liable for the rents and profits, if they should wilfully omit to give the notices to the Charity Commissioners required by the act, by a suit at the instance of those who would be entitled in the absence of the trusts; or in the event of their neglect for five years, by a suit at the instance of the Attorney-General. (Sect. 18).

The provisions in the 18th and some of the preceding sections will go far to prevent the occurrence of such cases as that of *Metairie v. Wiseman*. They will prevent many a gift, extorted from persons under the influence of superstitious fears, or the weakness occasioned by approaching death, and will enable relatives of the donor either to contest a gift which they believe to have been improperly obtained, or to see that it is applied to the purposes for which it was destined.

Provisions are then made for curing the defects in the title to land heretofore *bonâ fide* sold, (sect. 19), or given (sects. 20, 21) for charitable purposes.

It then repeals the act for chantries collegiate. (Sect. 22).

The next section enables corporations to advance money on the security of real estate, (sect. 23), and to avail themselves of these securities by foreclosure or otherwise; but they will incur a forfeiture of the land unless they sell it within five years. (Sect. 24).

The Charity Commissioners must acknowledge the receipt of all documents forwarded to them under the above provision, and their receipt is to be evidence of delivery, (sect. 25); and they must also register the notices given to them under the act; but notices of gifts by will to charitable purposes are not to be accessible to the public during the life of the testator, nor are the same to be made accessible after his death if he shall have revoked such charitable gifts. (Sect. 26). With reference to this section we must observe, that although the bill carefully provides for the public not having access to the register of charitable gifts in some cases, it does not, except inferentially, provide for their access in cases in which it appears to be the object of the act that there should be the greatest publicity.

Lastly, the bill is not to apply to Scotland or Ireland. (Sect. 27). Upon what principle is the bill confined to England? Why should Scotland and Ireland be exempted from its operation? It is true, that the act of Geo. 2 was not extended to Scotland or Ireland; but if the present is a good measure, the fact of there not having formerly existed one of a somewhat similar character in those countries seems to be no reason why they should be deprived of its benefit now. If it be bad, why should England submit to it? Judges have occasionally said, in remarking upon the Mortmain Act, that its policy was not applicable to our colonies, or to Scotland and Ireland. That, however, seems to be an assumption far from correct; but, like many others proceeding from the Bench, because it becomes law it is yielded to, without doubt, as an authority. Why, however, the Mortmain Act, and, above all, the bill we have before been examining, should not be considered applicable, at any rate, to Ireland, where the same laws prevail, and where there are at least as many evils to be guarded against, seems difficult to say.

The principle of the bill is to prevent gifts to charitable or religious purposes being made by persons in extremis, or without due consideration; to give publicity to these gifts; and to see that by no secret or evasive administration by trustees they should be applied in a manner not contemplated by the donor. It is true, that in Scotland there is a wholesome restriction upon dispositions made to the prejudice of the heir by a person on his deathbed. That, however, is not the case in Ireland. It may, however, be said that one Christian community in Ireland is not endowed, and

that every facility should be given to its priesthood to obtain endowments for their religious and charitable institutions. The same reasoning would, however, apply to the cases of various communities of Dissenters in England. The bill, however, does not seek to prevent gifts to charitable or religious purposes; it seeks only to prevent the exercise of undue influence in obtaining them; and there seems to be no reason why in Ireland opportunities should be afforded to any religious sect to obtain from the dying penitent gifts which might be represented as covering a multitude of sins; or why conventual communities should be tempted to withdraw themselves from the contemplation of celestial things by exertions to draw or retain within their precincts the wealthy widow or the youthful heiress, carefully trained and cautiously led into the regions of religious romance.

### THE BAR OF CHARITABLE TRUSTS BY THE STATUTE OF LIMITATIONS.

In the case of *The Attorney-General v. Magdalen College, Oxford*, (18 Jur., part 1, p. 363), the Master of the Rolls lately decided that the Statute of Limitations, 3 & 4 Will. 4, c. 27, is incapable of operation in favour of a title by possession adverse to a charitable trust, when the trust is of such a nature that it can only be enforced by information. The principle of the decision seems to go further, and to involve the proposition once asserted by Lord St. Leonards, (*The Incorporated Society v. Richards*, 1 Dru. & W. 258), but afterwards retracted, (*The Commissioners of Charitable Donations v. Wybrants*, 2 Jo. & Lat. 196), that trusts for public charities are not within the statute. The decision was made in an information on the relation of certain inhabitants respectively of the parishes of St. Olave and St. John, Horselydown, (formed out of the ancient parish of St. Olave), seeking to set aside a deed of conveyance of the 3rd March, 1790, whereby certain charity land was absolutely conveyed to the Master and Fellows of Magdalen College. It appeared that for upwards of a century before the conveyance the rents of the land had been applied for the benefit of the poor of the parish; but the origin of the trust and the title to the legal estate were not shewn. The conveyance in question was a feoffment in fee in consideration of a perpetual annuity of 15*l*. The purchasers entered into possession and levied a fine, and had continued in possession up to the time of the information. The defendants relied on the sufficiency of the consideration, the fine, and their title by possession under the Statute of Limitations. The decree declared the conveyance void, directed it to be delivered up to be cancelled, an account of the rents and profits since the filing of the information, and the land (which was covered by buildings extending to other land) to be marked out by metes and bounds. The question as to the defendants' right to an inquiry as to improvements was left open. The information asked for a reconveyance; but the Master of the Rolls said, "As respects the reconveyance of the property, I expressed my opinion at the hearing, that the declaration of the Court, declaring the deed to be void, and delivering it up to be cancelled, would revert the estate. I expressed my opinion to that effect in the case of *Hoghton v. Hoghton*, (17 Jur., part 1, p. 99; 15 Beav. 321), that where a deed was marked 'cancelled' by the Court, the parties were put in exactly the same position as if such deed had never been executed." In this respect the decree seems to have been erroneous. A decree, declaring a conveyance of the legal estate to be void on equitable grounds, and the subsequent cancellation of the deed, cannot revert the legal estate, though it may entitle any party claiming the benefit of the decree to

an injunction to restrain the setting up of the legal estate. The case is different where the deed is declared void on such grounds of fraud as would invalidate it at law, and the Court is merely exercising that jurisdiction which it has concurrently with Courts of law. Here the conveyance was declared void in equity as being a breach of trust. If the conveyance had been void at law, the question as to improvements could not have arisen. But granting that the decree could defeat the legal operation of the deed by relation, that, under the circumstances, would not have afforded the desired relief to the charity, for the defendants had a clear and admitted legal title by adverse possession, independently of any conveyance; and the information sought relief against that title, on the ground of the charitable trust. That relief, beyond the account of the rents and profits, seems to have been denied them.

The most interesting question in the case was, however, that which arose on the plea of the Statute of Limitations. It was admitted that at law the defendants had a good title, either under the conveyance and fine, or under the Statute of Limitations. As to the bar of the remedy under the trust, the enactments in point are the 24th and 25th sections of stat. 3 & 4 Will. 4, c. 27. Sect. 24 enacts generally, that "no person claiming any land or rent in equity shall bring any suit to recover the same, but within the period during which" he might have recovered at law, if his title had been legal; but by sect. 25, "when any land or rent shall be vested in a trustee upon any express trust, the right of the cestui que trust or any person claiming through him, to bring a suit against the trustee or any person claiming through him, to recover such land or rent, shall be deemed to have first accrued, according to the meaning of this act, at and not before the time at which such land or rent shall have been conveyed to a purchaser for a valuable consideration, and shall then be deemed to have accrued only as against such purchaser and any person claiming through him." The operation of this provision seems perfectly clear. It prevents time from operating as a bar to equitable claims under an express trust against the trustee, or those deriving title from him other than purchasers for value—i. e. purchasers for value with notice; for the want of notice would be a defence independently of the statute. "Any person claiming under the trustee" must mean, in all cases where the defendant relies on the legal estate, a person deriving the legal estate from the trustee. But if the defendant has been let into possession by the trustee without a valid conveyance, so that the trustee can at any moment eject him, then, as both his legal and (by the hypothesis) his equitable titles are invalid, he cannot, either while his possession is ripening into a legal title under the statute, or afterwards, be said to claim under the trustee; and the 25th section is not applicable in letter or in spirit, and possession adverse to the cestui que trust may be relied on. (See *The Attorney-General v. Flint*, 4 Hare, 149, where the true grounds of the decision are not perhaps very clearly expressed). In a suit against the trustee and a third person who alleges a title through the trustee, lapse of time is no defence under the statute to the trustee, and no defence to his co-defendant, unless he makes out his title as purchaser for value at the commencement of the enjoyment on which he relies. But if he makes out a title, not through the trustee, but adverse to him as well as to the cestui que trust, as by adverse possession during twenty years, and also shews possession adverse to the cestui que trust, then he does not come within the terms of the 25th section, for his defence is that of a legal title, which was never bound by the trust. This, if we may venture to differ from the very able and learned judge who decided the case, appears to have been the position of the defendants in *The Attorney-General v. Magdalen College*, on

the assumption (which seems to us the proper one) that the conveyance of 1790 was inoperative at law. They had a legal title by adverse possession, which was not bound by the trust. If, on the other hand, the conveyance was operative at law, the remedy of the cestui que trust was barred, because the college, being purchasers for value, were entitled, under the 25th section, to the benefit of the statute, assuming that it was capable of operating against such cestui que trust.

This conclusion would have been allowed by the Master of the Rolls if the trust had been of a private nature; but the Court held that the trust in question did not come within the statute at all, because the information was not "a suit by a person claiming the land in equity," or rather, as the Court put it, because "there had not existed any person or class of persons, other than the Attorney-General, who, since the date of the conveyance in 1790, could by themselves individually have instituted any proceedings for the purpose of redressing the wrong which had been inflicted on these parishes by the alienation of the property;" and because, "where no such person or class of persons existed, the stat. 3 & 4 Will. c. 27, does not bar a suit by the Attorney-General, whether ex officio, or at the relation of others, to redress the injury." The condition in the second proposition implies, that though an information is not a suit within the statute, the remedy by information would be barred by the effect of the statute in cases of charitable trusts enforceable directly at the suit of objects of the charity, without the intervention of the Attorney-General; and if trusts for public charities are within the act at all, this appears to be a logical deduction from the 34th section, which bars the right as well as the remedy; so that an information, though not (according to the doctrine of the Master of the Rolls) a remedy within the scope of the act, must fail if it is founded on a right originally enforceable by means of a remedy within the act, which right is extinguished by the bar of that remedy.

In support of the conclusion that the trust was not within the statute, the Court relied, first, on the rule existing prior to the statute, that time is no bar to a charitable trust; secondly, on the omission of any express reference to charitable trusts in the statute; and, thirdly, on the inapplicability of the expressions used in the statute to the case of an information. The 24th section limits the time within which any "person claiming any land or rent in equity" may bring any suit to recover the same. The word "person" is by the interpretation clause extended to a corporation, and to a class of persons as well as to an individual. After referring to the doctrine of Lord St. Leonards in *The Attorney-General v. Perse*, (2 Dru. & W. 67), that time does not begin to run against a cestui que trust until there is some person in existence who is entitled to claim\*,

\* In *The Attorney-General v. Perse*, a testator, having devised the lands of Ballinruane to R. P. for life, remainder to B. P. in tail, gave to his executor 50*l.* to build a school on the lands of Merton, in Galway, and charged the devised lands with a yearly rent-charge of 25*l.*, to be paid thereout, as a salary to a schoolmaster for the said school, which schoolmaster should be in the nomination of the person for the time being in possession of the estates in Galway, (apparently different estates from those charged with the rent-charge), with a power to the schoolmaster to enter and distrain for arrears. More than twenty years having elapsed, and no school having been built or schoolmaster appointed, it was held that the statute was no defence to an information seeking, among other things, an account of the rent-charge, because (assuming that charities were within the statute) the time could not begin to run until there was a person to claim the benefit of the trust. It will be observed that the rent-charge was in terms legal, but it was necessarily void at law for want of a defined donee. It was held good in equity as a trust. If a trust, it was an express trust, and so protected by the 25th section. But the better view (see 2 Jo. & Lat. 191, 197; *Petre v. Petre*, 1

his Honor said, "For the defendants it was urged that the following persons were in existence from the date of the conveyance until the filing of the information, any one of whom was entitled to claim, and might have instituted a suit for the recovery of this land, namely, the Attorney-General, the churchwardens and overseers of those parishes, and the inhabitants of both parishes, or any one of them. With respect to the Attorney-General, he does not appear to me to be such a person as is contemplated by the statute." The words in the statute mean a person who has some beneficial estate, interest, or right in the land. The Attorney-General is not the cestui que trust, nor does he claim through any cestui que trust; he sues as representing the Sovereign—the *parens patriæ*. The relators are no parties to the cause—they are mere sureties for costs. His Honor then proceeded to shew that a suit by the churchwardens and overseers and the rector, if maintainable at all, would not have been a suit within the meaning of the 24th section; and that there was no authority or principle to shew that a suit could have been maintained by some of the poor inhabitants on the part of the parish, suing on behalf of themselves and the rest of the inhabitants. "In the case of a breach of trust affecting many persons, but properly of a public character, the Attorney-General, I apprehend, can alone sue with propriety." We do not propose to discuss this proposition; but assuming it to be sound, it must be admitted that the decision is not at variance with the language of the act. A charity information is a suit, being a bill of information, just as an ordinary bill is a bill of complaint or petition—it is a suit to recover the charity property—but it is not a suit by any person who literally claims the property, either beneficially or as trustee; or if it is said that the Crown, though it claims no beneficial interest in charity property, and no legal estate as trustee, yet claims, as *parens patriæ*, the dominion over it for the purpose of enforcing performance of the trusts, the answer is, that the Crown is not named in, and therefore not bound by, the Statute of Limitations.

If it is said that this is a narrow construction, and that the objects of the charity are substantially parties to the suit, which is brought for their benefit, and that in other cases the equity of the statute has been applied to cases not within its letter—as where it was held that the statute was a good defence to a claim by a defendant, although he could not be said to have brought the suit—the answer is, first, that the case of a defendant falls within the letter of the 34th section, which extinguishes the right as well as the remedy; and, secondly, that the case of a charity is not analogous to any case expressly provided for. A charity is, in effect, a legal perpetuity. Every object of the charity, as he comes into existence, has an original claim under the trust, not in any way derived through other prior or existing objects; he has a new right, and there is no bar under the statute analogous to the defeating of such a right by anticipation. Even in the case of creditors, who are expressly included as a class in the scope of the word "person," the time does not begin to run against an individual debt, payable on a contingency or in future, until the time for payment has arrived. That the Legislature has omitted to provide a bar in the case of charities may be strange and inconvenient; but the Court of Chancery is justified by the authorities in not extending the statute by analogy to charitable trusts. And here a consideration occurs adverse to the suggestion, that if there had been a direct remedy for a cestui

Drew. 395) seems to be, that a charge on property in the hands of the beneficial donee does not constitute an express trust within the 25th section, but is left to the general operation of the 24th section. In that view the decision of *The Attorney-General v. Perse* appears to stand on the same ground as that in *The Attorney-General v. Magdalen College*.

que trust the statute would have operated. Suppose that in *The Attorney-General v. Perse* a schoolmaster had been appointed, and (to avoid the question in *Grant v. Ellis*, 9 M. & W. 113) that the trust had been of a house of residence instead of an annuity, the schoolmaster, omitting for twenty years, whether by collusion or by neglect, to recover possession, would clearly have been barred for the term of his appointment; and during that term an information could scarcely have been maintainable, or, if maintainable, would probably not be instituted. To allow the statute to operate as a bar in such a case would be objectionable; and generally it may be said, that the case of a charity is much more like that of a benefice than that of an ordinary holding, and should be regulated by analogous rules of limitation. G. S.

### London Gazettes.

FRIDAY, MAY 12.

#### BANKRUPTS.

EDWARD ARTHUR WEEKS and ALFRED WILLIAM GEORGE WEEKS, Park-cottage, King's-road, Chelsea, Middlesex, horticultural builders and hot-water apparatus manufacturers, May 23 at 1, and June 29 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Fesenmeyer, 23, Bedford-row.—Petition filed May 9.

FREDERICK SCOTSON, Aldermanbury, London, and Maiden-lane, Southampton-st., Strand, Middlesex, tavern and hotel keeper, victualler, dealer and chapman, May 23 at half-past 1, and June 29 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Van Sandau & Cumming, King-street, Cheapside.—Petition filed April 11.

JAMES THOMAS SHAYLER, St. John-street-road, St. James, Clerkenwell, furrier, and Little Saffron-hill, St. Andrew, Holborn, Middlesex, skin dyer, May 18 at 11, and June 24 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Fesenmeyer, 23, Bedford-row.—Petition dated May 9.

GOWEN CLIFFORD, Strood, Kent, builder, May 18 at 12, and June 24 at half-past 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Morgan, Maidstone; Nicholls & Doyle, Verrulam-buildings, Gray's-inn.—Petition dated May 10.

WILLIAM THOMAS LAMBERT, Jermyn-st., St. James's, Middlesex, patent medicine vendor, dealer and chapman, May 20 at 2, and June 24 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Lawrance & Co., 14, Old Jewry-chambers, London.—Petition dated May 9.

GEORGE CRICKMER, Lowestoft, Suffolk, saddler and harness maker, May 20 at 12, and June 24 at 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Burkitt, Curriers' Hall, London-wall, London.—Petition dated April 27.

RICHARD BREVITT, Coventry, ironmonger, May 23 and June 15 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Dewes, Coventry; Motteram & Knight, Birmingham.—Petition dated May 2.

WILLIAM HENRY ELKINGTON, King's Heath, Worcestershire, brickmaker, dealer and chapman, May 22 and June 19 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Hodgson, Birmingham.—Petition dated May 4.

RICHARD FAIRBOURN, Preston, Lancashire, wholesale grocer and provision dealer, dealer and chapman, May 26 and June 16 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sols. Cooper & Sons, Manchester; Winstanley & Charnley, Preston.—Petition filed May 5.

JOSIAS STEER, Plymouth, Devonshire, builder, May 22 and June 12 at 1, District Court of Bankruptcy, Plymouth: Off. Ass. Hirtzel; Sols. Edmonds & Sons, Plymouth; Stogdon, Exeter.—Petition filed May 5.

JOSEPH GREEN and MICHAEL GREEN, Liverpool, boot and shoe manufacturers, dealers and chapmen, (trading and carrying on business under the firm of Joseph Green & Sons), May 25 and June 15 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sol. Dodge, Liverpool.—Petition filed May 5.

#### MEETINGS.

John Harrison, Sunderland, Durham, licensed victualler, May 23 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—James Stoyer, Stratford, Essex, grocer, May 24 at 12, Court of Bankruptcy, London, aud. ac.; June 5 at 1, div.—Walter Fitch Hart, Brighton and Worthing, Sussex, tailor, May 24 at 12, Court of Bankruptcy, London, aud. ac.; June 5 at half-past 12, div.—Charles Clarke, Norwich, brewer and maltster, May 24 at 11, Court of Bankruptcy, London, aud. ac.—Frederick Mayston, Great Yarmouth, Norfolk, grocer, May 24 at 11, Court of Bankruptcy, London, aud. ac.—Mier Levy, Little Alie-street, Goodman's-fields, Middlesex, tailor, May 24 at 11, Court of Bankruptcy, London, aud. ac.—Carnaby T. Ansdell, Barnet, Middlesex, coach proprietor, May 26 at 11, Court of Bankruptcy, London, aud. ac.—John Frater, Manchester, brewer, May 23 at 12, District Court of Bankruptcy, Manchester, aud. ac.; June 13 at 12, div.—M. Wood and J. Wilding, Openshaw, Lancashire, boiler makers, June 1 at 12, District Court of Bankruptcy, Manchester, aud. ac. joint est. and sep. ests.—N. Crook, Preston, Lancashire, tailor, May 25 at 12, District Court of Bankruptcy, Manchester, aud. ac.—Daniel Coe, Ardwick, Manchester, grocer, May 25 at 12, District Court of Bankruptcy, Manchester, aud. ac.—James Pollitt the younger, Manchester, maker-up and packer, June 1 at 12, District Court of Bankruptcy, Manchester, aud. ac.—Wm. Potter, Birkenhead, Cheshire, and Liverpool, merchant, May 23 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—John Pointon, Monks Copenhall, Cheshire, innkeeper, May 22 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—Wm. Shuttleworth, Bradford, Yorkshire, stuff manufacturer, June 5 at 12, District Court of Bankruptcy, Leeds, aud. ac.; June 6 at 11, div.—Daniel Edgar Monies, Liverpool, broker, May 25 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—John Andrew Christian Reimann and John Gerard Geller, Liverpool, merchants, May 25 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—Thomas Wm. Thame, Greenwich, Kent, ironmonger, June 5 at 11, Court of Bankruptcy, London, div.—Christian Duke, Garlick-hill, London, drysalter, June 5 at half-past 11, Court of Bankruptcy, London, div.

#### CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

Henry Groom, Bray, Berkshire, miller, June 5 at 12, Court of Bankruptcy, London.—James Rogers, Orchard-street, Harrow-road, Paddington, Middlesex, mason, June 2 at half-past 1, Court of Bankruptcy, London.—Joseph Carter, Gloucester, scrivener, June 6 at 11, District Court of Bankruptcy, Bristol.—Joseph Flint, Sheffield, Yorkshire, shoe manufacturer, June 3 at 10, District Court of Bankruptcy, Sheffield.—Edwin Cottrill, Redditch, Worcestershire, dealer and chapman, June 5 at 10, District Court of Bankruptcy, Birmingham.—Thomas G. Crofts, Leicester, draper, June 2 at 10, District Court of Bankruptcy, Nottingham.

To be granted, unless an Appeal be duly entered.

Henry Shead, Witham, Essex, miller.—George Winter and James Winter, Hastings, Sussex, builders.—Charles Housley, Broad-street, Golden-square, Middlesex, surgeon.—John Whitmey, Birkenhead, Cheshire, currier.—John Kay, Prestwich, near Manchester, calico printer.—Isaac Dewhurst, Halifax, Yorkshire, commission agent.

#### SCOTCH SEQUESTRATION.

John Wm. Deane, Edinburgh, tea dealer.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

Joseph Wilton, Bristol, general-shop keeper, May 18 at half-past 10, County Court of Gloucestershire, at Bristol.—D. Keeling, Wimalow, Cheshire, farmer, June 16 at 11, Cononley, County Court of Cheshire, at Knutsford.—James Munday, Kildwick, Yorkshire, tea dealer, May 26 at 10, County Court of Yorkshire, at Skipton.—Joseph Borrow, Bishopwearmouth, Durham, sawyer, May 24 at 10, County Court of Durham, at Sunderland.—James Roberts, Selattyn, Shropshire, grocer, May 27 at 10, County Court of Shropshire, at Oswestry.—Edward Brackenbury, Horncastle, Lincolnshire, schoolmaster, June 7 at 12, County Court of Lincolnshire, at Horncastle.—William Clarke, Bury St. Edmunds, Suffolk, tailor,

May 22 at 10, County Court of Suffolk, at Bury St. Edmunds.—*Ebenezer Edward Morter*, Lowestoft, Suffolk, gunmaker, May 17 at 2, County Court of Suffolk, at Lowestoft.—*Wm. Crouch*, Woodbridge, Suffolk, market gardener, May 19 at 2, County Court of Suffolk, at Woodbridge.—*James Black*, Birkenhead, Cheshire, licensed victualler, May 19 at 10, County Court of Cheshire, at Birkenhead.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

May 26 at 10, before the CHIEF COMMISSIONER.  
*James Wood*, Dover-road, Surrey, tea dealer.

May 29 at 11, before Mr. Commissioner PHILLIPS.  
*John Vincent*, Macclesfield-street South, City-road, St. Luke's, Old-street, Middlesex, smith.—*Adam Uriah Bryant Meakin*, Redcross-st., Cripplegate, London, ironmonger.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

May 26 at 10, before the CHIEF COMMISSIONER.

*John Paterson*, Green-street, Leicester-square, Middlesex, baker.—*Thomas George Frederick Holt*, Church-st., Trinity-square, Newington, Surrey, out of business.

May 26 at 10, before Mr. Commissioner MURPHY.  
*James Knos*, Harriet-place, New Church-road, Camberwell, Surrey, commission agent.

May 27 at 11, before Mr. Commissioner PHILLIPS.  
*John Charles Roeder*, Underwood-place, City-road, Middlesex, out of business.

May 29 at 11, before Mr. Commissioner PHILLIPS.  
*George Frederick White*, Park-st., Borough-market, Surrey, foreman to a potato salesman.—*John Crocker*, Goodge-street, Tottenham-court-road, Middlesex, greengrocer.

May 29 at 10, before Mr. Commissioner MURPHY.  
*John Taylor*, Fish-st.-hill, London, out of business.—*W. Blundell*, Hanover-cottages, Park-road, St. John's-wood, Middlesex, surgeon-dentist.—*Wm. John Hughes*, Sloane-st., Chelsea, Middlesex, mining engineer.—*Wm. Thomas Pismé*, Wellington-place, Park-road, New Peckham, Old Kent-road, Surrey, baker.

May 29 at 11, before Mr. Commissioner PHILLIPS.  
*Adjourned Hearing.*

*Edwin Powell*, York-place, Portman-square, Middlesex, in no business.

*County Court of Lancashire, at Lancaster. Assignees have been appointed in the following Cases:—*

*James Wm. Holland*, Longsight, near Manchester, out of business, No. 77,867; *George Anderton*, assignee.—*Joseph Scholes*, Oldham, licensed victualler, No. 77,904; *William Ingham*, assignee.—*Jas. Hayes*, Manchester, beer-seller, No. 77,900; *William Cole*, assignee.—*Jesse Lee*, Brickfield, near Bacup, stonemason, No. 77,957; *John Atherton*, assignee.—*Joseph Bridge*, Preston, provision-shop keeper, No. 77,956; *James Arrowsmith*, assignee.—*R. Leyland*, Chorley, joiner, No. 77,953; *William Atherton*, assignee.—*Thomas Cornall*, Preston, labourer, No. 77,871; *Robert Raby*, assignee.—*J. Porrett*, Burnley, out of business, No. 77,967; *Joseph Lee*, assignee.—*Joseph Winterbottom*, Ashton-under-Lyne, out of business, No. 77,811; *Francis Perry*, assignee.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

At the County Court of Lancashire, at LANCASTER,  
May 26 at 12.

*Richard Greenhalgh*, Collyhurst, general machinist.—*Robt. Parkinson*, Preston, out of business.—*Robert Gardner*, Lancaster, beer-seller.—*John Cresswell*, Manchester, plumber.—*Alfred Whaley Sanderson*, Lancaster, tea dealer.—*Thomas Cusliffe*, Leyland, near Preston, out of business.—*Thomas Warburton*, Rochdale, machinist.—*Charles Turner*, Hollinwood, bricklayer.—*Daniel Antrobus*, Lower Broughton, out of business.—*Sam. Broadbent*, Oldham, provision-shop keeper.—*Thomas Henry Allwood*, Liverpool, professor of music.—*John Blisborough* the younger, Clitheroe, out of business.

At the County Court of Lancashire, at MANCHESTER,  
May 29 at 12.

*John Sheldon*, Hulme, brewer.

At the County Court of Gloucestershire, at BRISTOL,  
June 1 at half-past 10.

*William Low*, Bristol, blacksmith.

At the County Court of Kent, at DOVER, June 14 at 11.

*John W. Levingham*, Elm-place, Kensington, Middlesex, house agent.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Henry Mordaunt Martin Byne*, Dulcot, near Wells, Somersetshire, out of business: 6s. 2d. in the pound.—*John E. Balls*, St. David-street, Dover-road, Surrey, mill sawyer: 1s. 2½d. in the pound.—*John Gyles*, Barnsbury-grove, Barnsbury-park, Islington, Middlesex, shoemaker: 20s. in the pound.—*Wm. Harries Tylbury*, Camden-street North, Camden-town, Middlesex, comedian: 2s. in the pound.—*Philip Bredeooke*, Leigh, Lancashire, grocer: 1s. (making 3s. 2d.) in the pound.—*Thomas White* the younger, Abberley, Worcestershire, farmer: 2s. 2d. in the pound.—*James Wilson*, Kiswick, Crothwaite, Cumberland, blacksmith: 20s. in the pound.—*Wm. Edwards*, Cross-street, Hatton-garden, Middlesex, coffee-house keeper: 1s. 1d. in the pound.—*John Elmer*, Thorpe, Essex, farmer: 9½d. in the pound.—*Charles Jenner Boorman*, Tunbridge Wells, Kent, chemist: 9½d. in the pound.—*John Allen*, Union-street, Borough, Surrey, half-pay captain in her Majesty's Navy: 1s. 2d. (making 14s. 5d.) in the pound.

*Apply at the Provisional Assignees' Office, Portugal-street, Lincoln's-inn-fields, London, between the hours of 11 and 3.*

#### TUESDAY, MAY 16.

##### BANKRUPTS.

**JAMES MERCHANT**, Foulmire, Cambridgeshire, grocer and draper, dealer and chapman, May 26 and June 30 at half-past 1, Court of Bankruptcy, London: Off. As. Whitmore; Sols. W. & R. D. Thurgood, Saffron Walden, Essex; Sharpe & Co., 41, Bedford-row.—Petition filed May 5.

**CHARLES HENRY MAY**, Edgeware-road, Marylebone, Middlesex, jeweller, dealer and chapman, May 27 and June 30 at 2, Court of Bankruptcy, London: Off. As. Whitmore; Sol. Cattlin, 22, Ely-place, Holborn.—Petition filed May 16.

**JOHN BAKER**, Edgeware-road, and Jonson-place, Westbourne-green, Middlesex, draper, dealer and chapman, May 29 at 2, and June 27 at 1, Court of Bankruptcy, London: Off. As. Edwards; Sols. Mardon & Pritchard, 99, Newgate-street, London.—Petition filed May 13.

**JOHN SHARPE**, Barn Elms, Barnes, Surrey, cowkeeper and dairyman, dealer and chapman, May 29 at 2, and June 27 at 12, Court of Bankruptcy, London: Off. As. Lee; Sols. King & Atwaters, 3, Lyon's-inn, Strand, London.—Petition filed May 16.

**WILLIAM DOLTON**, Sutton St. Mary, Lincolnshire, common brewer, liquor merchant, and farmer, May 26 and June 16 at 10, District Court of Bankruptcy, Nottingham: Off. As. Harris; Sols. Caparn & Ayliff, Holbeach; Powell, Birmingham.—Petition dated May 5.

**THOMAS MANNING**, Combe Lake, near Fair Mile, Ottery St. Mary, Devonshire, smith and machine manufacturer, dealer and chapman, May 25 and June 22 at 1, District Court of Bankruptcy, Exeter: Off. As. Hirtzel; Sols. Head & Venn, Exeter.—Petition filed May 10.

**MAURICE JARVIS**, Leeds, Yorkshire, woolstapler, June 6 at 12, and June 27 at 11, District Court of Bankruptcy, Leeds: Off. As. Hope; Sols. Lee, Leeds; Bridger & Collins, 37, King William-street, London.—Petition dated May 10.

**EDWARD COULTATE** and **THOMAS SWINDELLS**, Manchester, brokers, (trading under the style of Brown, Coultate, & Co.), May 31 and June 21 at 12, District Court of Bankruptcy, Manchester: Off. As. Fraser; Sols. Hysan & Robinson, Manchester.—Petition filed May 12.

##### MEETINGS.

*George Nock* and *John Williams*, Frith-street, Soho, Middlesex, goldsmiths, May 26 at half-past 1, Court of Bankruptcy, London, and ac.—*W. Wallen* the younger, Lawrence Pountney-lane, London, architect, June 1 at half-past 12, Court of Bankruptcy, London, and ac.—*R. Mulock Wright* and *Joseph Smith Austle*, Broken-wharf, Upper Thames-st.,



London, drysalers, May 27 at 11, Court of Bankruptcy, London, sud. ac.—*Henry Groom*, Bray, Berkshire, miller, May 27 at 11, Court of Bankruptcy, London, sud. ac.—*Jas. Young Hulbert*, New-court, Bow-lane, London, and Upper Grange-walk, Bermondsey, Surrey, account-book manufacturer, May 30 at 2, Court of Bankruptcy, London, sud. ac.—*Jas. Kinder*, Manchester, cotton manufacturer, June 2 at 12, District Court of Bankruptcy, Manchester, sud. ac.—*Thomas Dawber*, Manchester, calico printer, May 26 at 12, District Court of Bankruptcy, Manchester, sud. ac.—*Charles Cox*, Newcastle-under-Lyme, Staffordshire, common brewer, June 14 at half-past 10, District Court of Bankruptcy, Birmingham, sud. ac.; June 21 at half-past 10, div.—*Chas. Walker*, Basinghall-street, London, and Leeds, Yorkshire, woollen cloth manufacturer, June 8 at 11, Court of Bankruptcy, London, div.—*Joseph Perrella*, Liverpool, hardware dealer, June 7 at 11, District Court of Bankruptcy, Liverpool, div.—*Wm. Lynam*, Birmingham, plumber, June 7 at 12, District Court of Bankruptcy, Birmingham, div.—*Jas. Bough*, Kidderminster, Worcestershire, carpet manufacturer, June 14 at half-past 10, District Court of Bankruptcy, Birmingham, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Wm. Cluff Hulme*, High-street, Putney, Surrey, grocer, June 13 at half-past 12, Court of Bankruptcy, London.—*E. W. Robinson*, Liverpool, cotton broker, June 8 at 12, District Court of Bankruptcy, Liverpool.—*Wm. Turner*, Crewkerne, Somersetshire, currier, June 8 at 1, District Court of Bankruptcy, Exeter.—*John F. Thynne*, Tavistock, Devonshire, dealer in musical instruments, June 8 at 1, District Court of Bankruptcy, Exeter.—*James Gummery*, Kidderminster, Worcestershire, druggist, June 12 at 10, District Court of Bankruptcy, Birmingham.—*Rowland Hill*, Nottingham, lace merchant, June 16 at 10, District Court of Bankruptcy, Nottingham.—*Stephen Meredith*, Birmingham, draper, June 8 at 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*Wm. Miles*, King's Lynn, Norfolk, shipowner.—*Alexander Beis*, Old Bond-street, Middlesex, electric clock maker.—*F. Chater*, Wolverhampton, Staffordshire, chemist.

## PETITIONS ANNULLED.

*Wm. S. Vail*, East Greenwich, Kent, licensed victualler.—*Daniel F. Ford*, Grovesnor-place, Commercial-road East, Middlesex, draper.

## SCOTCH SEQUESTRATIONS.

*John Weir*, Glasgow, grocer.—*Daniel Hamilton*, Esq., deceased, Edinburgh.—*A. Dobbie & Co.*, Glasgow, tea merchants.—*James Howden & Son*, Edinburgh, jewellers.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Wm. C. Jones*, Shide, Isle of Wight, Southampton, horse dealer, May 31 at 10, County Court of Hampshire, at Newport.—*Thomas Nason* the younger, New Windsor, Berkshire, fishmonger, June 7 at 10, County Court of Berkshire, at Windsor.—*W. Quarmby*, Sheffield, Yorkshire, mason, June 1 at 12, County Court of Yorkshire, at Sheffield.—*J. Bowley* the elder, Appleby, Derbyshire, yeoman, June 27 at 10, County Court of Leicestershire, at Ashby-de-la-Zouch.—*John Wilcockson*, Hasland, Derbyshire, beer-shop keeper, June 14 at 11, County Court of Derbyshire, at Chesterfield.—*T. S. Mallett*, Easebourne, near Midhurst, Sussex, land surveyor, June 8 at 12, County Court of Sussex, at Midhurst.—*James Doogan*, Hilsen, Wymering, Southampton, army pensioner, June 6 at 11, County Court of Hampshire, at Portsmouth.—*James Richards*, Portsea, Southampton, builder, June 6 at 11, County Court of Hampshire, at Portsmouth.—*John Price*, Old Swinford, Worcestershire, in no business, May 22 at 10, County Court of Worcestershire, at Stourbridge.—*Wm. F. Walllett*, Wigan and Manchester, proprietor and equestrian manager, June 14 at 10, County Court of Yorkshire, at Leeds.

*Saturday, May 13.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*John Kirkpatrick*, Sussex-place, Rotherfield-street, Islington, Middlesex, solicitor's clerk, No. 64,207 T.; T. Nias,

assignee.—*Thomas A. Stubbing*, Radwinter, Essex, farmer, No. 76,178 C.; *Thomas Saunders*, assignee.—*Wm. Cotton*, Morley, King's Norton, Worcestershire, timber merchant, No. 77,463 C.; *Isaac Chilce*, assignee.—*George T. Condy*, Ipswich, Suffolk, attorney-at-law, No. 77,650 C.; *R. Reeve*, assignee.—*Charles Sullings*, Chelmsford, Essex, turner, No. 77,810 C.; *Julius Gaborian Shepherd*, assignee.—*Henry Faulkner*, Bridgewater, Somersetshire, coach builder, No. 77,884 C.; *Richard Smith* the younger, assignee.—*Thomas Smith*, Hove, Sussex, dairyman, No. 77,664 C.; *James Duly*, assignee.—*James Raitrick*, Horton, near Bradford, Yorkshire, tailor, No. 77,737 C.; *Benjamin Atkinson*, assignee.—*Joseph Dyson*, Wanningham, near Bradford, Yorkshire, stonemason, No. 77,794 C.; *John Binns*, assignee.—*James Crisford*, Westfield, Sussex, out of business, No. 77,859 C.; *Frederick Wren*, assignee.—*James Wm. Holland*, Longsight, near Manchester, out of business, No. 77,867 C.; *George Anderton*, assignee.—*Radcliffe Royston*, Lindley-fields, near Huddersfield, Yorkshire, joiner, No. 77,920 C.; *Rowland Broadbent*, assignee.—*Henry Youell*, Birmingham, out of business, No. 77,936 C.; *Peter Bates*, assignee.—*H. Parrett*, Chepstow, Monmouthshire, coach builder, No. 77,799 C.; *Thomas Burbidge*, assignee.—*Edward Dalton*, Salford, Lancashire, joiner, No. 77,574 C.; *Peter Wood*, assignee.—*Isaac Calam*, Belby, near Howden, Yorkshire, out of business, No. 77,848 C.; *Wm. Calam*, assignee.—*Jas. Heywood*, Spring-hill, near Waterhead Mill, Lancashire, provision-shop keeper, No. 32,286 C.; *John Taylor*, new assignee; *Peter Roylance*, late assignee, removed.

*Saturday, May 13.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*John Thomas Gais*, Waltham-cottages, Warner-road, Camberwell, Surrey, out of business: in the Queen's Prison.—*J. Trevers* the elder, Gloucester-place, Old Kent-road, Surrey, builder: in the Queen's Prison.—*Frank Baron Billam*, Hall-place, Lower Kennington-lane, Surrey, out of business: in the Gaol of Surrey.—*George Jones*, Queen's-place, New North-road, Islington, Middlesex, surgeon: in the Debtors Prison for London and Middlesex.—*Joseph Parry*, Liquepond-st., Gray's-inn-lane, Middlesex, cheesemonger: in the Debtors Prison for London and Middlesex.—*Thomas A. Grimes*, High-st., Poplar, Middlesex, grocer: in the Debtors Prison for London and Middlesex.—*Wm. Alexander Holmes*, Ellen-place, Battersea, Surrey, clerk in the Ordnance-office, Tower: in the Gaol of Surrey.—*James Isod*, Penton-place, Walworth, Surrey, out of business: in the Queen's Prison.—*George Newby Wardell*, Lloyd-square, Pentonville, Middlesex, attorney: in the Debtors Prison for London and Middlesex.—*Joseph Eldridge*, Queen-street, Dunstan-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*George Bristow*, Bedfordbury, Covent-garden, Middlesex, builder: in the Debtors Prison for London and Middlesex.—*Henry Gomperts*, Lower Phillimore-place, Kensington, Middlesex, gentleman: in the Queen's Prison.—*Geo. Wm. Collins*, Sherborne-st., Blandford-square, Middlesex, clerk: in the Debtors Prison for London and Middlesex.—*Lambert Philip Milledons*, Culford-road, Kingsland, Middlesex, merchant's clerk: in the Queen's Prison.—*Richard Walton*, Haggate, Briercliffe with Entwistle, near Barnley, Lancashire, labourer: in the Gaol of Lancaster.—*W. Lamb Clavering*, Hulme, Manchester, draper's assistant: in the Gaol of Lancaster.—*Robert Parkinson*, Preston, Lancashire, out of business: in the Gaol of Lancaster.—*Robert Gardner*, Damside-street, Lancashire, beer-seller: in the Gaol of Lancaster.—*Roger Wilkinson*, Blackburn, Lancashire, grocer: in the Gaol of Lancaster.—*William Taylor White*, Leeds, Yorkshire, commercial traveller: in the Gaol of York.—*Thos. Walker*, Sheffield, Yorkshire, cutler: in the Gaol of York.—*Henry Lovelock*, Banbury, Oxfordshire, upholsterer: in the Gaol of Oxford.—*George Raven*, South Town, near Great Yarmouth, Suffolk, gardener: in the Gaol of Ipswich.—*John Parkinson*, Trawden, near Colne, Lancashire, out of business: in the Gaol of Lancaster.—*Thos. Sharples*, Blackburn, Lancashire, licensed victualler: in the Gaol of Lancaster.—*David Galloway*, South Shields, Durham, mariner: in the Gaol of Durham.—*Colin Walker*, Chapel-en-le-Frith, Derbyshire, out of business: in the Gaol of Derby.—*George Barber Dene*, Fishpond-road, Gloucestershire, attorney: in



the Gaol of Bristol.—*Charles Barnes*, Southampton, livery-stable-keeper: in the Gaol of Southampton.—*W. Bradshaw Gilson*, Derby, out of business: in the Gaol of Derby.—*Samuel Goodlad*, Ashover, Derbyshire, farmer: in the Gaol of Derby.—*William Nash* the younger, Bury St. Edmunds, Suffolk, in no business: in the Gaol of Bury St. Edmunds.—*Edward Burley*, Wolverhampton, Staffordshire, glazier: in the Gaol of Coventry.—*Wm. Robert Bemman*, Bristol, gold beater: in the Gaol of Bristol.—*Edward Powell*, Bristol, retailer of beer: in the Gaol of Bristol.—*Charles Rowland*, Ruabon, Denbighshire, farm bailiff: in the Gaol of Ruthin.—*Richard W. Cousins*, Swansea, Glamorganshire, watchmaker: in the Gaol of Cardiff.—*Charles White*, Stoke Poges, Buckinghamshire, ostler: in the Gaol of Aylesbury.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*May 30 at 10, before the CHIEF COMMISSIONER.*

*W. Smith*, George-street, Regent-street, Lambeth, Surrey, whitening manufacturer.

*May 30 at 11, before Mr. Commissioner PHILLIPS.*

*Thos. Lloyd*, Fleet-st., London, out of business.—*Charles B. Baird*, Clifton-st., Finsbury, Middlesex, out of business.

*May 30 at 10, before Mr. Commissioner MURPHY.*

*Frederick Errington*, St. George's-place, High-street, Camberwell, Surrey, jeweller.

*Adjourned Hearing.*

*Richard D. Dodge*, Chapside, London, out of business.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Devonshire, at EXETER, May 30 at 10.*

*John S. W. Herring*, St. Thomas-the-Apostle, attorney-at-law.—*Elizabeth Lake*, Torr Down Farm, Swimbridge, out of business.

*At the County Court of Cheshire, at CHESTER CASTLE, May 31 at 10.*

*Wm. Clayton*, Stockport, joiner.

*At the County Court of Gloucestershire, at BRISTOL, June 1 at half-past 10.*

*George B. Dene*, Fishpond-road, attorney.

*At the County Court of Oxfordshire, at OXFORD, June 2.*

*George Rackstraw*, Oxford, attorney-at-law.

**INSOLVENT DEBTORS' DIVIDENDS.**

*John G. F. Blow*, Long-lane, Bermondsey, Surrey, clerk: 11 $\frac{1}{2}$ d. (making 2s. 7 $\frac{1}{2}$ d.) in the pound.—*Thomas H. Bennet*, St. James's-place, Hampstead-road, Middlesex, assistant clerk in the General Registry Office, Somerset House: 1s. (making 7s.) in the pound.—*John Tipper Stratford*, Belgrave-cottage, Laun-place, Shepherd's-bush, Middlesex, clerk in the Money Order Office, General Post Office: 9d. (making 13s. 4d.) in the pound.—*Benjamin Lamplough*, Doncaster, Yorkshire, woollendrapery: 1s. 3d. in the pound.—*John Shaw*, Chorlton-upon-Medlock, Manchester, painter: 2d. in the pound.—*Edward Amos* the elder, Plumstead, Kent, painter: 1s. 6d. in the pound.—*E. G. Rogers*, Higley, Shropshire, carpenter: 3s. 7 $\frac{1}{2}$ d. in the pound.—*Robert J. Hibbs*, Greenwich, Kent, lieutenant in her Majesty's Royal Navy: 4s. 9d. in the pound.—*John Lancaster*, Woodside, near Lympington, Southampton, of no trade: 20s. in the pound.—*Henry Pook*, George-terrace, Park-road, Peckham, Surrey, clerk to an attorney: 6d. in the pound.—*James Cook*, Acre-place, Coburg-road, Kent-road, Surrey, plumber: 3s. in the pound.

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# The Jurist

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MAY 27, 1854.

PRICE 1s.

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LONDON, MAY 27, 1854.

THE Court of Common Pleas recently considered the question, whether the twenty miles mentioned in the concurrent clause of the County Courts Act, 9 & 10 Vict. c. 95, s. 128, are to be measured in a direct line—that is, in common parlance, "as the crow flies"—or according to the means of access from one place to the other. (*Stokes v. Grissell*, C. P., 10th May). They did not expressly decide the point, nor was it necessary for them to do so in the case before them; but Jervis, C. J., and Maule, J., appeared to be of opinion that the measurement should be by taking a straight line from place to place. The words in the section in question are merely these—"where the plaintiff dwells more than twenty miles from the defendant"—no mode of measurement being pointed out. But we submit that there are several grounds why the measurement should be by the nearest accessible route from house to house, rather than by a direct line.

The reason why a party is permitted to sue (without loss of costs) in the superior courts, when he dwells more than twenty miles from the defendant, appears to be, that the plaintiff should not be compelled to go beyond that distance to attend the court within the jurisdiction of which the defendant dwells; and if so, the means of going and returning, without committing a trespass, would appear to afford the true criterion of measurement. Again: the plaintiff would know, or might easily ascertain, the distance between himself and the defendant by the public way, but could not learn the distance by a direct line, without committing a trespass. The Court cited with approval the dictum

of Parke, J., (now Parke, B.), in *Leigh v. Hind*, (9 B. & Cr. 774). There the assignor of a lease of a public-house had covenanted not to keep another public-house within the distance of half-a-mile. The question had been referred to arbitration, and the arbitrator had found that the house kept by the assignor was within half-a-mile by the shortest way of access, partly by footpath and partly by carriage-way. It was contended that he should have taken the distance by footpath all the way, but the Court held that the award was right. Parke, J., however, went further, and said, "I should have thought that the proper mode of admeasuring the distance would be to take a straight line from house to house. . . . The defendant agrees not to keep a public-house within the distance of half-a-mile: the plain and ordinary sense of these words is the actual distance, and I think they ought to be so understood, unless we can collect from the context that they were meant to be used in a different sense; and here the context raises no such inference. . . . It seems to me, therefore, that the distance should have been ascertained without any reference to the modes of communication. . . . But assuming that this is not the true mode of construing the agreement, I think that is to be considered the nearest way of access which a person, making the best of his way from house to house, would be likely to take." Parke, B., afterwards, (*Atkyns v. Kinnier*, 4 Exch. 782), adverting to this case, said, "The rule laid down in *Leigh v. Hind* is, that where there is a stipulation as to non-residence within a prescribed distance, the true principle of admeasurement is to take the nearest mode of access, according to the existing state of the streets." Accord-



ingly, where a surgeon covenanted that he would not reside within the distance of two miles and a half from another surgeon, the Court held, that the distance was to be measured, not by the most frequented public ways, but by any of the usual public ways. (*Atkyns v. Kinnier*, 4 Exch. 782).

In these cases, with reference to the object of the contract, the nearest accessible route was taken, as the parties looked to the possibility of persons going from one house to another; and though the distance in the County Courts Act is not fixed with any view of the plaintiff going to the defendant's house, yet it is, we apprehend, with a view to his going to the court within the jurisdiction of which the defendant dwells. It is true, that where no such considerations apply, and there is nothing in the context tending to define the mode of measurement, the distance "as the crow flies" is the one adopted. Thus stat. 4 & 5 Will. 4, c. 76, s. 68, enacts, that no person shall retain a settlement gained by possessing an estate in a parish for a longer time than he shall inhabit "within ten miles thereof." These words were held to mean ten miles measured in a direct line from the residence to the nearest point in the parish. (*Reg. v. Saffron Walden*, 9 Q. B. 76). Lord Denman said—"Here we are left very much at large, and without materials for judgment. We find no words referring to any particular object; we have, therefore, to lay down a fixed and absolute rule. Now, abstractedly, the most reasonable rule appears to be that approved of by my Brother Parke, namely, a measurement by a direct line. By this we shall avoid the practical difficulty of a settlement being good one day and bad the next." The principle of this decision can be easily understood, as it would be a great hardship to deprive a man of a settlement by reason of a road being stopped up, or the like. The nearest point of the parish also might not be accessible by any public route. No question of access, in fact, would arise in the case. To the argument of counsel, that a direct line could often not be measured without committing a trespass, Williams, J., answered, "We are in no danger here of suggesting an act of trespass, for we have the distance actually found."

Sometimes statutes expressly direct this mode of measurement. Thus stat. 6 & 7 Vict. c. 18, s. 76, reciting that doubts had arisen as to the measurement of the distance of seven statute miles prescribed by the Reform Act for the residence of voters for cities and boroughs, enacts that the distance shall be measured in a straight line on the horizontal plane from the point within any city, &c. Sometimes other modes of measurement are directed. Thus stat. 1 & 2 Vict. c. 106, which prohibits (with some exceptions) the holding of two benefices not within ten statute miles from each other, directs the distance to be computed from church to church, "by the nearest road or footpath, or by an accustomed ferry."

The question of the right measurement of distance is certainly not free from difficulty; but we would suggest as a rule, which may be deduced from the cases or statutes upon the subject, that where access or passing along the distance has been contemplated, or where it is essential to a person's rights that he should himself possess the means of measurement, the nearest accessible public route should be taken; in other cases, where no such considerations arise, the direct line should be adopted as the one least liable to change.

† The Queen has been pleased to appoint William Young, Esq., to be Attorney-General, and William A. Henry, Esq., to be Solicitor-General, for the Province of Nova Scotia.

## THE NEW MORTMAIN BILL\*.

THE expediency of establishing a board of legislative draftsmen, for the purpose of revising, if not of drawing, all bills, has been long felt and urged; and since the business or profession of a law reformer has been taken up (we are afraid seldom for its own sake) by so many members of the Bar, from the Solicitor-General downwards, the measure has become one of absolute necessity: for it is certain that the desire, or the profession of a desire, to amend the law is seldom co-existent with the ability to do it, even when the reformer is a practising lawyer. Few lawyers have succeeded in their amateur attempts at draftsmanship, their performances being generally inferior to the Government bills, even as they were before the existing arrangement at the Home Office. Not to cite the shortcomings of a Preston, a Romilly, and a Sugden, we may refer to Mr. Headlam's own work, the Trustees Act, 1850, which, if parental tenderness had not blinded him, might have served as a warning against the present attempt. The faults of the Mortmain Bill are still more glaring.

The 1st section enacts, that the act of 9 Geo. 2, c. 36, "shall continue in its present form and effect with respect to all wills, deeds, or legal instruments of all descriptions duly made or executed on or before the 1st November, 1854, and that, subject as aforesaid, and subject to the provisions hereinafter contained, the said recited act shall be and the same is hereby repealed." That act, it will be remembered, enacts, that no lands or hereditaments, nor any money, stock, or other personal estate to be laid out in the purchase of any lands or hereditaments, shall be conveyed or settled for any charitable uses, unless such conveyance, &c. (other than of stocks in the funds) be made by deed, indented &c., and such stocks be transferred &c., as therein mentioned; and further, that all gifts, grants, conveyances, appointments, assurances, transfers, and settlements of any real or personal estate for any charitable use, made in any other manner or form than as directed by the act, shall be absolutely and to all intents and purposes null and void. What, then, does the bill mean by "legal instruments duly executed?" Does it mean instruments legally capable of operating according to the purport of them, and duly executed for the purpose of carrying the expressed intention into effect—that is to say, for example, conveyances to charitable uses by indenture, attested by two witnesses, and inrolled within six months? Or does it mean instruments which, if the act of Geo. 2 were out of the way, would be duly executed for the purposes expressed in them? The second is probably the meaning, but it is not expressed; and if the second is the meaning, how does the provision operate in the case of a deed purporting to be an appointment to the use of trustees for a charity, executed for a valuable consideration, but not duly executed as an appointment? Is such a deed an instrument "duly executed?" within the meaning of this clause? No doubt, if the bill were suffered to pass, the Courts would strive to twist its nonsense into something like sense, and might possibly succeed; but is this the way to deal with the laws of a civilised country, or indeed of any country?

The 2nd section contains interpretations which stand in great need of explanation. "The word 'lands' shall extend to and include manors, messuages, tenements, and hereditaments, corporeal and incorporeal, of every tenure or description, whatever may be the estate or interest therein." It includes, therefore, a personal perpetual annuity limited to the heirs. (Co. Litt. 20, 144. b.; 2 Ves. sen. 179). "The word 'seised' shall be applicable to any vested estate for life or of a greater

\* From a correspondent.

description, and shall extend to estates at law and in equity, in possession or in futurity, in any lands." The word "possessed" is to be applicable to vested estates less than life estates; and the word "entitled" is to be applicable to contingent rights and estates. There is another definition to which we shall presently refer; but let us first see how these words "seised" and "entitled" are used in the subsequent enactments.

By sect. 3, "any person seised, possessed of, or entitled to any land may convey" &c., the same to be used exclusively as a site for any church, &c. By sect. 7, "any person seised, possessed of, or entitled to any land may convey or assign the same" upon any charitable trusts, subject to certain conditions. This power, by the definition, is given to tenants for life or years, and it is given over the land—that is to say, by the definition, (sect. 2), over the manor, messuage, tenement, or hereditament itself, and not merely the estate of the grantor therein! Of course the judges could not allow the act to have such an outrageous operation; but what are we to say of an act which requires its own interpretation clause to be set aside? We cannot imagine how such a blunder was committed; but we can mention a very elementary rule, known to all but amateur draftsmen, the observance of which would have effectually prevented it, and that is, to express a restrictive enactment in restrictive, and not in permissive, terms. The old Mortmain Act restrained a pre-existing right of alienation. The new act is to take its place, and the obvious and logical course is, to repeal the old act, and to enact in lieu of it such restrictions as were intended. If, after repealing all that is to be repealed, it is found necessary to confer a power, the power must be given in permissive terms, as where a tenant for life is to be enabled to convey the fee; but when our business is exclusively to tell the people what they may not do, common sense and the ordinary forms of language lead us to negative expressions. The consequence of not pursuing the plain course is, that additional clauses are required to express the pith and substance of the act. After many wordy clauses, telling what may be done in the way of charitable disposition, we come to two, (sects. 9 and 16), enacting, (the one as to real and the other as to personal estate), "that, except in the cases and under the circumstances before expressly provided for, it shall not be lawful for any person to" devote any property to charitable uses. This ignorance on the part of the draftsman of the use of language has led to some ludicrous results. For example, the 12th section authorises Mr. Headlam, or any one else, to bequeath any picture in the National Gallery, or any statue in the British Museum, to the mayor and burgesses of Gravesend—"It shall be lawful for any person, without restraint or condition, to bequeath by will any picture, book, statue, or other specific object useful for purposes of education, or calculated to promote the study or taste for literature, science, or the fine arts, to any university or college, or to any municipal corporation or other public body, or the British Museum." &c. No doubt the judges would put a curb upon these words too. But while they are before us, let us ask what "specific objects" are within their scope? At Marlborough House we have seen gold and silver plate, bracelets, and costly jewels exhibited for the purpose of promoting the study of or taste for the fine arts; and the newest work may be as useful for this purpose as the oldest. A modern waterpot from Lahore is an object of art—why not a fiddle-pattern spoon from Cornhill? Is the Court to sit in judgment on the æsthetic merits of the chattel? If not, what room for evasions! Again: is each testator limited to one single object? If so, how is this exclusion of cabinets of natural history, historical collections, libraries, manuscripts, reconciled with the spirit of the clause?

To return to the definitions. "The word 'stock' shall mean any fund, annuity, or security transferable in books kept by any company established or to be established, or transferable by deed alone, or by deed accompanied by other formalities, and any share or interest therein." A mortgage may be a security transferable by deed alone, though some mortgages may be transferred without deed, but cannot be transferred without writing. Are any, and what, mortgages included? Some negotiable securities are transferable by writing only, but are not transferable by deed. On what principle are they excluded? The explanation is, that the draftsman had no principle or thought in his head when he wrote down this definition, but copied it, for want of thought, verbatim from Mr. Headlam's Trustee Act, 1850, where it supplies the place of a much more accurately expressed definition contained in the act which that act superseded. The distinction between "stock," whatever that may mean, and other personal property, in the present bill, has no sensible object.

Sect. 3 enables any person to convey or devise land to be used exclusively as the site of a church, chapel, or burying ground, minister's residence, library, museum, or other building to be applied for the benefit of the public in the promotion of literature, science, or the fine arts; subject to the condition that a copy of the assurance be delivered to the Charity Commissioners within one month after execution, or, in case the same be left by will, a copy of the devise be delivered to the Charity Commissioners within three months after the testator's death, and notice of the devise has come to any of the persons to whom the same has been devised. There is no definition of "notice," and indeed a definition could scarcely have added to the host of questions which would be sure to arise on the word. If we had not confined ourselves to verbal criticism, we might ask here why the validity of a charitable devise is to depend on the activity or caprice of the trustee, or of one of the trustees? Would a charity or the Attorney-General have an action or any equitable remedy against a trustee neglecting to take the necessary steps to establish the devise? May not a devisee in trust disclaim or ignore the devise?

By sect. 5, whenever the quantity of land given for such a site as aforesaid shall be greater than in the opinion of the Court of Chancery is requisite, *or shall be greater than is actually used for the purpose*, it shall be lawful for the person, who would have been entitled to the land if it had not been so given, to recover the surplus. No limit of time. Suppose that two years elapse before any steps are taken to build on or to use the site, or suppose that at any time after use there is a discontinuance of use for six months.

The authority given by sect. 7 to make voluntary settlements of land to charitable uses is subject to several conditions, of which the fourth and fifth are, that the "conveyance or assignment be irrevocable, and be made to take effect immediately in possession, and that it contains no reservation of any estate or interest for the life of the grantor, or for any period having relation to the duration of the life of the grantor." Yet the power which is subjected to these conditions is expressly given to the owners of vested and contingent remainders.

Then as to evasion, a grantor may not reserve the enjoyment for his own life: this implies that he may do so for the life of a wife or a child, or of any other person, and that he may do so for a term of years. Again: no reservation of a life estate to the grantor is to be contained in the charitable conveyance. This does not extend to a conveyance by A. to B. for A.'s life, and in trust for A., and then a charitable settlement by A. of his reversion in fee.

Sect. 10 contains provisions respecting gifts of "stock,

money due [qy. owing] on mortgage, and all forms of personal estate connected with or savouring of realty, except leasehold estates and chattel interests in land," which are subjected to certain conditions; and by the next section, gifts of "all forms of personal property, except the particular descriptions mentioned in the preceding section," are subjected to certain other conditions. What are "forms of personal property connected with or savouring of realty?" We cannot make even a wild guess at the meaning. And why are they subjected to special regulation? Even the distinction between a gift inter vivos, and a testamentary gift, is not expressed grammatically. The phrase is, "it shall be lawful for any person to give the same during his lifetime," i. e. for his life.

In the case of a bequest of personality to charitable uses, (sect. 13), the condition is imposed of a notice by the testator to the Charity Commissioners. In that of a devise of realty, as we have seen, the notice is required to be given by the devisee. The reason of the difference is not apparent.

The 13th section allows charitable bequests of "every description of personal estate." A term of 1000 years is personal estate; and the words cited above from the 10th section conclusively shew that leaseholds for years are within the operation of the 13th section. It is equally clear that that construction is contrary to the intention and policy of the act.

Some Jesuit must have helped Mr. Headlam to the substance of the 14th section:—"Whosoever any money due upon mortgage of land shall be given or bequeathed upon trust for any charity, and the trustees shall become seised or possessed of the land, free from all right of redemption therein, it shall be their duty to sell the said land, and to invest the proceeds in Government securities; and if they shall omit or neglect to sell the said land within such time as a Court of equity shall deem reasonable for the purpose, they shall be liable personally for any loss that may occur upon a subsequent sale thereof, or investment of the proceeds." Let any one imagine a Court of equity assessing the price that a piece of land might have been sold for ten years ago. But if the land rises in value, which is the very case to be provided for, the trustees have no inducement to perform their duty.

We must here pause for want of space. We should not complain of any lawyer or any lay member of Parliament taking up any branch of the law for amendment, if he would only employ a competent draftsman to express his ideas; and we should not be much surprised if a layman, after reading a few acts of Parliament, were to fancy that he could draw as good an act himself; but we do complain that a lawyer should give the sanction of his professional name to such a bill as this; and we trust, that much as the law of charitable gifts requires amendment, it will not be abandoned to the rude tinkering it is now threatened with.

#### ACTIONS BY MONEY LENDERS IN THE COUNTY COURTS.

THE following observations on the above subject have been submitted to the consideration of a noble and learned lord by one of the judges of the county courts:—

The stat. 2 & 3 Vict. c. 37, exempts from the operation of the Usury Laws bills of exchange and promissory notes not having more than twelve months to run, and all contracts for the loan of money above the sum of 10*l.*, loans on landed security excepted.

By stats. 17 Geo. 3, c. 30, and 48 Geo. 3, c. 88, bills and notes for less than 5*l.* are legal, if the forms prescribed by those acts respectively are duly followed.

And by the Stamp Acts, all such bills and notes under 40*s.* as may be issued without violating the pro-

visions of the 17 Geo. 3, c. 30, and 48 Geo. 3, c. 88, are exempt from stamp duty.

The effect of all these enactments is, that a simple loan on an I O U for a sum under 40*s.* is subject to the Usury Laws; but a promissory note for the same amount, if made in proper form, is not so subject.

Money lenders, availing themselves of this state of the law, take promissory notes for sums under 40*s.* at an enormous rate of interest, and sue on these notes in the county courts.

The question is, whether the law should remain in this inconsistent state; and if not, what remedy should be adopted to meet the evil?

#### Correspondence.

##### COSTS OF PAYING OFF A MORTGAGE.

TO THE EDITOR OF "THE JURIST."

SIR,—Would you have the goodness to permit the following to appear in your Journal, for the purpose of ascertaining the correctness of the practice of charging in the under-mentioned case:—

In the town where I reside it is said to be an ancient and laudable practice, on a mortgagor desiring to pay off his mortgage debt, to be directed by the mortgagee to attend with him upon his solicitor, in whose custody the deeds have been previously deposited. On the attendance, the mortgagee's solicitor declines to part with the deeds until his charges are paid, namely, for making a list of the deeds to be signed by the mortgagor as a receipt for them, and for the attendance delivering them up.

In a recent case, where, on the expiration of the usual six months' notice of intention to pay off the mortgage, the mortgagor attended the mortgagee, at his request, at his solicitor's office, and then and there paid to the mortgagee the principal and interest, the mortgagee's solicitor demanded, before he parted with the deeds, the respective sums of 6*s.* 8*d.* for the attendance, and 7*s.* for a list of the deeds. The mortgagor objected to pay them, but they were ultimately paid by his solicitor, who was present, to obtain the deeds, and a receipt was then indorsed on the deed, and an undertaking to reconvey signed by the mortgagee, which was subsequently done, and duly paid for.

My impression was, that the charges were illegal as against the mortgagor; that if the mortgagee required assistance on receiving his principal and interest, he must pay for such assistance himself; but, on inquiry, there seems to be an opinion, that if the charges had been made out to the mortgagee, and by him paid, he could decline to part with the deeds until he was reimbursed them, and that the mortgagor could not redeem without paying them.

I assume that the mortgagee was neither obliged to sign the receipt for his principal and interest and undertaking to reconvey, nor was his solicitor obliged to attend the mortgagor's solicitor professionally without being paid; but neither of these questions arise, as the former was matter subsequent to the refusal to part with the deeds; and as to the latter, the solicitor attended only as witness.

The case of *Wakefield v. Newbon* (8 Jur. 735) seems decisive of the affair.

I am, Sir, yours obediently,

May 16, 1854.

A COUNTRY SOLICITOR.

#### COUNTY COURTS AND SUPERIOR COURT JUDGMENTS.

TO THE EDITOR OF "THE JURIST."

SIR,—Upon reading the letter of "A County Court Judge," (ante, p. 151), he states—"Cases have several times been removed into my courts by actions on the

judgment of the superior courts, for the sole purpose that the plaintiffs might obtain the payment of their debts by instalments."

I know this practice *was* permitted some two or three years since, but I have recently been told at the City and other county courts, that the judges have declined to recognise plaints founded upon a judgment obtained in the superior courts, alleging as a reason that the plaintiff should have brought his action in the county court in the first instance.

As I cannot find anything in either of the three acts of Parliament affecting county courts authorising the issuing of plaints upon the judgments in question, I shall feel much obliged if "A County Court Judge," or any other gentleman, will enlighten me upon the subject, for it is a most important question, and one that should be thoroughly understood.

The 129th section of the 9 & 10 Vict. c. 95, permits a plaintiff to have a superior court judgment for his debt, but deprives him of costs.

I am, Sir, your obedient servant,  
J. B. H.

### Court Papers.

#### EQUITY SITTINGS, TRINITY TERM, 1854.

##### Court of Chancery.

*Before the LORD CHANCELLOR, at Lincoln's Inn.*

Thursday .. May 25	Appeal Motions and Appeals.
Friday .....	26 Petitions.
Saturday .....	27
Monday .....	29 } Appeals.
Tuesday .....	30
Wednesday .....	31
Thursday .... June 1	Appeal Motions and Appeals.
Friday .....	2
Saturday .....	3
Monday .....	5 } Appeals.
Tuesday .....	6
Wednesday .....	7
Thursday .....	8 Appeal Motions and Appeals.
Friday .....	9
Saturday .....	10 } Appeals.
Monday .....	12
Tuesday .....	13
Wednesday .....	14 Petitions.
Thursday .....	15 Appeal Motions and Appeals.

*Notice.*—Such days as his Lordship is hearing Appeals in the House of Lords excepted.

*Before the LORDS JUSTICES, at Lincoln's Inn.*

Thursday .. May 25	Appeal Motions.
Friday .....	26 { Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday .....	27
Monday .....	29 } Appeals.
Tuesday .....	30
Wednesday .....	31
Thursday .... June 1	Appeal Motions and Appeals.
Friday .....	2 { Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday .....	3
Monday .....	5 } Appeals.
Tuesday .....	6
Wednesday .....	7
Thursday .....	8 Appeal Motions and Appeals.
Friday .....	9 { Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday .....	10
Monday .....	12 } Appeals.
Tuesday .....	13
Wednesday .....	14
Thursday .....	15 Appeal Motions.

*Notice.*—The days on which the Lords Justices shall be engaged in the full Court are excepted.

*Before the Right Hon. the MASTER OF THE ROLLS, at Chancery-lane.*

Thursday .. May 25	Motions.
Friday .....	26 { Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions. Petitions in General Paper.
Saturday .....	27
Monday .....	29
Tuesday .....	30 { Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Wednesday .....	31
Thursday .... June 1	Motions.
Friday .....	2
Saturday .....	3
Monday .....	5 { Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Tuesday .....	6
Wednesday .....	7
Thursday .....	8 Motions.
Friday .....	9
Saturday .....	10 { Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Monday .....	12
Tuesday .....	13
Wednesday .....	14 Petitions in General Paper.
Thursday .....	15 Motions.

N.B.—Short Causes, Short Claims, Consent Causes, Unopposed Petitions, and Claims, every Saturday. The Unopposed Petitions to be taken first.

*Notice.*—Consent Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard.

*Before Vice-Chancellor Sir RICHARD T. KINDERSLEY, at Lincoln's Inn.*

Thursday .. May 25	Motions and Causes.
Friday .....	26 Petitions (unopposed first).
Saturday .....	27 { Short Causes, Short Claims, and General Paper.
Monday .....	29
Tuesday .....	30 { Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday .....	31
Thursday .... June 1	Motions and Causes.
Friday .....	2 Petitions (unopposed first).
Saturday .....	3 { Short Causes, Short Claims, and General Paper.
Monday .....	5
Tuesday .....	6 { Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday .....	7
Thursday .....	8 Motions and Causes.
Friday .....	9 Petitions (unopposed first).
Saturday .....	10 { Short Causes, Short Claims, and General Paper.
Monday .....	12
Tuesday .....	13 { Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday .....	14
Thursday .....	15 Motions and Causes.

N.B.—Unopposed Petitions, not exceeding ten, at the sitting of the Court, every day except Seal-days.

*Before Vice-Chancellor Sir J. STUART, at Lincoln's Inn.*

Thursday .. May 25	Motions.
Friday .....	26 { Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday .....	27
Monday .....	29 { Petitions and General Paper.
Tuesday .....	30 { Short Causes, Short Claims, & Causes.
Wednesday .....	31 { Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .... June 1	Motions and General Paper.
Friday .....	2 { Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday .....	3
Monday .....	5 { Petitions and General Paper.
Tuesday .....	6 { Short Causes, Short Claims, & Causes.
Wednesday .....	7 { Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday .....	8 { Motions and General Paper.
Friday .....	9 { Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday .....	10
Monday .....	12 { Petitions and General Paper.
Tuesday .....	13 { Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday .....	14 { Motions and General Paper.
Thursday .....	15 No Sitting.

*Before Vice-Chancellor Sir W. P. Wood, at Lincoln's Inn.*

Thursday ..	May 25	No Sitting.
Friday .....	26	Motions and General Paper.
Saturday .....	27	{ Petitions, Short Causes and Claims, and General Paper.
Monday .....	29	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	30	
Wednesday .....	31	
Thursday ....	June 1	Motions and General Paper.
Friday .....	2	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday .....	3	{ Petitions, Short Causes and Claims, and General Paper.
Monday .....	5	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	6	
Wednesday .....	7	
Thursday .....	8	Motions and General Paper.
Friday .....	9	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday .....	10	{ Petitions, Short Causes and Claims, and General Paper.
Monday .....	12	{ Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	13	
Wednesday .....	14	
Thursday .....	15	Motions and General Paper.

### COMMON-LAW SITTINGS, IN AND AFTER TRINITY TERM, 1854.

#### Court of Queen's Bench.

##### *In Term.*

MIDDLESEX.	LONDON.
1st sitting .. Friday .. May 26	1st sitting, Wednes., May 31
2nd sitting .. Friday .. June 2	2nd sitting, Wednes., June 7
3rd sitting .. Monday .. 12	
For undefended causes only.	

##### *After Term.*

Friday .....

The Court will sit at ten o'clock every day.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

#### Court of Common Pleas.

##### *In Term.*

MIDDLESEX.	LONDON.
Saturday .....	May 27
Saturday .....	June 3
Wednesday .....	May 31
Wednesday .....	June 7

##### *After Term.*

Friday .....

The Court will sit during and after term at ten o'clock.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

#### Exchequer of Pleas.

##### *In Term.*

MIDDLESEX.	LONDON.
1st sitting, Friday .. May 26	1st sitting, Wednes., May 31
2nd sitting, Friday .. June 2	2nd sitting, Wednes., June 7
3rd sitting, Friday .....	9

##### *After Term.*

Friday .....

The Court will sit during and after term at ten o'clock.

The Court will sit in Middlesex, at Nisi Prius, in term, by adjournment from day to day, until the causes entered for the respective Middlesex Sittings are disposed of.

In each of the London Sittings during term there will be two days for the trial of causes.

### EQUITY CAUSE LISTS, TRINITY TERM, 1854.

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*Cl.* Claim—*C.* Costs—*D.* Demurrer—*E.* Exceptions—*F. D.* Further Directions—*M.* Motion—*P. C.* Pro Confesso—*Pl.* Plea—*Ptn.* Petition—*R.* Rehearing—*S. O.* Stand Over—*SA.* Short.

#### Court of Chancery.

##### *Before the LORD CHANCELLOR.*

APPEALS.	FURTHER DIRECTIONS.
Gann v. Gregory (Part heard)	Attorney-General v. Chambers
Byass v. Gates	Attorney-General v. Rees.
Coppard v. Byass	

##### *Before the LORDS JUSTICES.*

##### APPEALS, &c.

Atchison v. Le Mann	Diplock v. Hammond
Cockell v. Bacon	Governors and Guardians of the Parish of St. Mary, Newington v. Hammond
Hindson v. Weatherell	Stilwell v. Mellersh (4 titles)
Lowe v. Thomas	Kempe v. Kempe.
Parker v. Sowerby	
Potts v. Levy	

##### *Before the Right Hon. the MASTER OF THE ROLLS.*

##### CAUSES, &c.

Chambers v. Elliott (Pl)	Tench v. Cheese (4 titles, F D, C)
Bayfield v. Bayfield (F D, C)	Wilks v. Cowell (M for decree)
Wilson v. Harley (Cause, part heard)	Brisley v. Stone (M for decree)
Polard v. Pollard } (Cl)	Dunn v. Salisbury (Cause)
Polard v. Pollard }	Richardson v. Mann (M for decree)
Rees v. Gwynne (Cause)	Hemiker v. Charretie (Cause)
Eberhardt v. Roberts (Cl)	Att.-Gen. v. Wyvill (Cause)
Fenn v. Death (Cause)	Att.-Gen. v. Earl Newburgh (3 titles, F D, C)
Miller v. Morris (Cause)	Goody v. Sugden (M for dec.)
Gurney v. Graham (Cl)	Lord Brougham v. Lord W. Powlett (Special case)
Clegg v. Duncanson (Cause)	Shield v. Freer (Cl)
Rooth v. Tomlinson } (F D, C)	Kent v. Kendall (Cause)
Same v. Same }	Walbrond v. Crease (Further consideration)
Webster v. Boddington (F D, C)	Freer v. Freer (Cl)
Rennie v. Rennie (M for dec.)	Perry v. Meddowcroft (9 titles, F D, C)
Whistler v. Smith } (Cause)	Parker v. Bloxham (M for dec.)
Same v. Same }	Knight v. Pycroft (M for dec.)
Byam v. Sutton (M for decree)	Timmons v. Lloyd (F D, C)
Bamford v. Monsley (Cause)	Ilale v. Chubb (Cause)
Christian v. Chrisiam (Cl)	Earl of Strathmore v. Lady Glamis (M for decree)
Murray v. Parker (M for dec.)	Potter v. Iliffe (F D, C)
Yorke v. Sturgis (Cause)	Harford v. Criddle (Cause)
Attorney-Gen. v. Lord Crew (Cause)	Att.-Gen. v. Governors of the Poor of Ely (Cause)
Attorney-Gen. v. Robertes (F D, C)	Att.-Gen. v. Wimborne Grammar School (F D, C, Ptn)
Attorney-Gen. v. Walmaley (3 titles, F D, C)	Roberts v. Robinson (M for decree)
Attorney-Gen. v. Earl Waldegrave (Cause)	Hendley v. Hendley (M for decree) SA
Richards v. Carlewis (M for decree)	Smith v. Smith (Cause)
Tierney v. Wood (Cause)	Robinson v. Robinson (Further consideration)
Fletcher v. Wigglesworth (F D, C)	Alexander v. Brane (Further consideration)
Morris v. Morris (F D, C)	Turner v. Strange (Cl)
Leigh v. Taylor (Cause)	Foster v. Bazeley (Cl)
Watson v. Knight (Cause)	Cotesworth v. Armstrong (M for decree)
Eason v. Joy (Cause)	Christie v. Hightet (Sp. case)
Morris v. Owens (E)	Chapman v. Cannon (4 titles, further consideration)
Laxton v. Eedle (Further con.)	Cust v. Goring (Further con.)
Roece v. Grimley (M for dec.)	Egarr v. Egarr (Further consideration, Ptn)
Paxon v. Paxon (Further con.)	
Sellers v. Dyson (Cause)	
Rowe v. May (Cl, part heard)	
Plomer v. Plummer (Further consideration)	
St. John v. Phelps (E, F D, C)	
Hart v. Clarke (M for decree)	
Machell v. Mangles (Cause)	



Lord Camoys v. Best (Sp. ca.)  
 Skingley v. Skingley (Further consideration)  
 Kerwin v. Armitage (Further consideration)  
 Willmette v. Martin (Cause)  
 Strachan v. Strachan (Cause)  
 Dicks v. Burford (Cause)  
 Bateman v. Margerison (3 titles, F D, C)

Hodding v. Minshall (Cl)  
 Walker v. Neale (M for dec.)  
 Worts v. Cubitt (Special case)  
 Calley v. Richards (M for decree)  
 Barker v. Marsden } (F D, C)  
 Barker v. Wiffs }  
 Palmer v. Ward (M for decree)  
 Jones v. Perry (Further consideration) SA.

Tucker v. Hernaman (Further consideration)  
 Edwards v. Grove (Further consideration)  
 Kent v. Norbury (Cause)  
 Allen v. De Lisle (F D, C)  
 White v. Self (Cl)  
 Battley v. Kiteon (Cl)  
 Simpson v. Sadd (Cl)  
 Davies v. Thomas (M for decree)  
 Hawkins v. Gardiner (Cause)

Att.-Gen. v. Alford (Further consideration)  
 Hitchcock v. Pitt (M for dec.)  
 Nelves v. Evans (E)  
 Byers v. Dickinson (Cl)  
 Colston v. Lilley (Cause) SA  
 Stapleton v. Carter (Cl) SA  
 Ware v. Watson } (F D, C)  
 Ware v. Watson }  
 Golds v. Greenfield (Sp. case)  
 Harris v. Lewis (3 titles, F D, C).

*Before Vice-Chancellor Sir RICHARD T. KINDERSLEY.*

CAUSES, &c.

Pearce v. Peck (Cl)  
 Davis v. Chanter } (Cause)  
 Davis v. Plymself }  
 Lord v. Colvin (Cause)  
 Way v. Way (Cause) A. T.  
 Parker v. Sowerby (Further consideration)  
 Elkins v. Lee (3 titles, F D, C, Ptn, part heard)  
 Att.-Gen. v. Buller (F D, C)  
 Appleyard v. Holt (E)  
 Drew v. Shedden (Cause, with Supplemental Bill)  
 Wynch v. Grant } (F D, C)  
 Wynch v. Grant }  
 Coffield v. Poole (M for dec.)  
 Coffield v. Anderson (M for dec.)  
 Fryer v. Rogers (Cause)  
 Rogers v. Fryer (Cause)  
 Webb v. Webb (M for dec.)  
 Zulucta v. Carriss (Cause)  
 Ward v. Hyde (M for decree)  
 Beckford v. Chalker (F D, C)  
 Sparrow v. Sparrow (F D, C)  
 Bignold v. Yeo (F D, C) SA  
 Northwick v. Rusbout (Cause)

Langston v. Cosens (3 titles, F D, C)  
 Cornwall v. Davies (Cl) SA  
 Saunders v. Biggs (F D, C)  
 Hurd v. Hurd (F D, C)  
 Meech v. Malcolmson (Further consideration)  
 Money v. Money } (Cause)  
 Money v. Taylor }  
 Att.-Gen. v. Woodward (Subsequent F D, C)  
 Galley v. Prince (3 titles, F D, C)  
 Baker v. Chetwin (Cl)  
 Everist v. Everist (Cause) SA  
 Stocker v. Smith (F D, C)  
 Barron v. Barron (M for dec.)  
 Etches v. Etches (M for dec.)  
 Strickland v. Thomas (F D, C) SA  
 Gibson v. Adamathwaite (F D, C)  
 Wright v. Vernon (Cause)  
 Hardingham v. Thomas (5 titles, Cause)  
 Benson v. Hardingham (4 titles, Cause).

*Before Vice-Chancellor Sir J. STUART.*

PLEAS, DEMURRERS, CAUSES, &c.

Hope v. Hope (M for decree)  
 Bristowe v. Hunt (Cause)  
 Sandford v. Sanders (Cause)  
 M'Leod v. Mathison (F D, C)  
 Newhouse v. Smith (Cause)  
 Hobson v. Everatt (7 titles, F D, C)  
 Lankester v. Fidkin (Cause)  
 Warner v. Shand (Cause)  
 Waddington v. Howell (Cause)  
 Dawson v. Jay (M for decree)  
 Hedley v. Innes (Cl)  
 Brown v. Mott (Cl)  
 Marley v. Spencer (M for dec.)  
 Fearnhead v. Bullivant } (Cause)  
 Same v. Cracroft }  
 Upton v. Veisey (Cause)  
 Chambers v. White (4 titles, F D, C)  
 Lovegrove v. Cooper (F D, C)  
 Higgins v. Earl of Shaftesbury (F D, C)  
 Chick v. Blackmore (3 titles, F D, C)  
 Eade v. Williams (Cause)  
 Lewis v. Davis (Further consideration)  
 Dixon v. Pyner (F D, C)  
 Byers v. Dickinson (F D, C, Ptn)  
 Farley v. Woodman (Further consideration, M)  
 Fallows v. Viscount Dillon (F D, C)  
 Ross v. Ibbotson (M for dec.)

King v. Rees (3 titles, F D, C)  
 Carson v. Rix (F D, C)  
 Lord Hastings v. Beavan (F D, C)  
 Dixon v. Cooke (F D, C)  
 Cox v. Taylor } (F D, C)  
 Same v. Morgan }  
 Beavan v. Lord Oxford (3 titles, Cause)  
 Howard v. Jewell (E, F D, C)  
 Rannie v. Chandler (E, F D, C)  
 Kingsford v. Ball (F D, C)  
 Butterfield v. Rayner (E)  
 Meller v. Foster (M for decree)  
 Wadebrowne v. Pennefather (F D, C)  
 Wadebrowne v. Darby (F D, C)  
 Jones v. Mathias (Cause)  
 Warner v. Governor and Company of the Copper Miners in England (E, 2 sets)  
 Woodgate v. Saffell (F D, C)  
 Weaver v. Sayer (Cause)  
 Bell v. Barnfather (F D, C)  
 Wildes v. Davies (6 titles, F D, C)  
 Straith v. Grain (Cl)  
 Campbells v. Pemberton } (Further consideration)  
 Same v. Plumtree }  
 Goldsmith v. Russell (Cause)  
 Hancorn v. Lang (Cl)  
 Bonham v. Smith (Cl) SA  
 Blacklock v. Harland (F D, C)  
 Smees v. Aldis (Further con.)

*Before Vice-Chancellor Sir W. P. WOOD.*

PLEAS, DEMURRERS, CAUSES, &c.

Dalrymple v. Hannah (Cl)  
 Lloyd v. Wilkes (Cl)  
 Alabaster v. Silverthorne } (M for decree)  
 Same v. Rolfe }  
 Wirt v. Pemberton (M for decree)  
 Greaves v. White (Cause)  
 Mann v. Fuller } (F D, C)  
 Same v. Ranby }  
 Sykes v. Brandt (Cause)  
 Armstrong v. Tweddell (Cl)  
 Ridgway v. Sned (Cause)  
 Gwatkin v. Campbell (Cause)  
 Perkin v. Mann (Cause)  
 Harrod v. Harrod (Cause)  
 Pike v. Wilson (Cause)  
 Titley v. Titley (M for dec.)  
 Ludlow v. Stevenson (Further consideration)  
 Ashlow v. Savage (Cause)  
 Stokes v. Morris (Cl)  
 Earl of Lonsdale v. Countess Berchtoldt (Cause)  
 Gerard v. Gerard (M for dec.)  
 Tigwell v. Forward (Cause)  
 Nash v. Hodgson (F D, C)  
 Williams v. Williams (Cause)  
 Hodgson v. Kerry (M for dec.)  
 Dent v. Dent (Cl)  
 Redhead v. Brayshaw (Cl)  
 Dixon v. Walker (Cl)  
 Hubback v. Wilson } (Cause)  
 Welch v. Wilson }  
 Simmons v. Bates (Further consideration)  
 Maniere v. Leicester (M for decree)  
 Hoskins v. Matthews (Cause)  
 Woollams v. Nisbett (M for decree)  
 Tatlock v. Jenkins (Further consideration)  
 Rees v. Rees (M for decree)  
 Coles v. Foster (Further con.)  
 In re Carmichael } (Further consideration)  
 Hudson v. Carmichael }  
 Avery v. Langford (Cause)  
 Hunt v. Hunt (M for decree)  
 Martin v. Wellstead (Cause)  
 Nash v. Allen (Further con.)  
 Fleming v. East (Further con.)  
 Black v. Venning (M for dec.)  
 Pratt v. Rumball (Cl)  
 Smith v. Pavier (Cause)  
 Vale v. Meredith (Cause)  
 Hart v. Tobias (M for decree)  
 Openshaw v. Robinson (Sp. case)  
 Haviland v. Cox (Cause)  
 Lee v. Lee (3 titles, F D, C)  
 Roberts v. Cooper (M for dec.)  
 Fox v. Harding (Further con.) SA

Dormer v. Phillips (Cl)  
 Brown v. Spurrell (Cl)  
 Hall v. Jordan (M for decree)  
 Gillingham v. Baker (Cause)  
 Stobart v. Todd (Cause)  
 Pearson v. Wilcox (Further consideration)  
 Pixon v. Beete (Cause)  
 Young v. Lee (Further con.)  
 Tracey v. Laurence (M for decree)  
 Forsyth v. Hillier } (F D, C, & rem. E)  
 Same v. Same }  
 Cliffe v. Cliffe (M for decree)  
 Walters v. The Northern Coal Mining Co. (Cause)  
 Phillips v. Powell (M for dec.)  
 Thompson v. Beasley (Cl)  
 Dewell v. Tufnell (Cause)  
 Beaulerk v. Beaulerk (M for decree) SA  
 Stretton v. Ashmall (Cause)  
 Griffith v. Hatchard (Sp. case)  
 Thomas v. Chapman (Cl)  
 Day v. Day (Special case)  
 Stables v. Twaites (Cause)  
 Harris v. London and North-western Railway Co. (M for decree)  
 Mackley v. Smith (Cl)  
 Clarke v. Sturgis (M for dec.)  
 Southgate v. Southgate (M for decree)  
 Dampier v. Brickwood (M for decree)  
 Forrest v. Bowen (Cause)  
 Mann v. Thompson (Cl)  
 Bennett v. Locking (M for decree)  
 Gossip v. Wright (Cause)  
 Crosse v. Robinson (Cl)  
 Prince v. Prince (Special case)  
 Darvell v. Roper (M for dec.)  
 Wallace v. Blackwell (Cause)  
 Angin v. Eastern Union Railway Co. (M for decree)  
 Att.-Gen. v. Vansittart (Cau.)  
 Fisher v. Baldwin (Cause)  
 Knight v. Sterry (Further consideration)  
 Maltby v. Grey (Cause)  
 Blake v. Gregson (Cause)  
 Coombs v. Mansfield } (Cau.)  
 Same v. Hernaman }  
 Gould v. White (Further con.)  
 Jenkinson v. Harcourt (Special case)  
 Nixon v. Masterton (M for decree)  
 Luky v. Higgs (Cl)  
 Setcliffe v. Crosse (M for dec.)  
 Salmon v. Baker (Cl)  
 De Balemhard v. Bullock (Further consideration)  
 Thornhill v. Gordon (Sp. ca.)



## NEW TRIALS.

FOR JUDGMENT.	
<i>Moved Easter Term, 1853.</i>	York—Kirby v. Simpson
London.—Lawes v. Bachelor	Liv'pool—Rodrigues v. Mel-
Same v. Same	huish
Chelmsford—Lake v. Plaxton	Same v. Same
<i>Moved Hilary Term, 1854.</i>	Bull v. Robison
Midd.—Harmsworth v. Sar-	Robison v. Bull
gent	Evans v. Royal In-
London.—Watson v. Spratley	surance Co.
FOR ARGUMENT.	
Midd.—Morewood v. Tupper	Kimpton v. London
London.—Evans v. Elsam	& North-western
<i>Moved after the fourth Day of</i>	Railway Co.
<i>Hilary Term, 1854.</i>	Moore v. Campbell
Midd.—Bodger v. Arch	Langensee v. Storer
<i>Moved Easter Term, 1854.</i>	Winchester—Thompson v. Bell
Midd.—Taylor v. Crowland	Exeter—Curtis v. Johnson
Gas and Coke Co.	North'ton—Varing v. Watson
Amor v. Masters	Lincoln—Smith v. Codd
Gray v. Willicombe	Derby—Morten v. Lakin
Burge v. Same	Weeks v. Read
Holt v. Robertson	Stafford—Caddick v. Haines
London.—Evans v. Earle	Herefordshire—Beavan v.
Annold v. Havel	M'Donnell
Theobald v. Railway	Glo'ster—Tibbitts v. Foll
and Passengers As-	Stevens v. Midland
surance Co.	Railway Co.
Nosworthy v. Norton	Bala—Davies v. Jones
Gibson v. Sturge	Beaumaris—Pierce v. Williams
Carlisle—Topping v. Hether-	Mold—Lloyd v. Humphries
ington	Wynne v. Pierce
Newcastle—Jamieson v. Tre-	Chester—Jervis v. Tomkinson
velyan	Cardigan—Hughes v. Evans
Durham—Winship v. Hud-	<i>Moved after the fourth Day of</i>
spetch	<i>Easter Term, 1854.</i>
	Midd.—Allen v. Proce.

## PEREMPTORY PAPER.

To be called on the first Day of Term after the Motions, and to be proceeded with the next Day, if necessary, before the Motions.

In re Whitaker v. Leeds, Bradford, and Halifax Junction Railway Co. (To set aside award)  
Moor v. Blakey (To set aside verdict, and for a new trial).

## SPECIAL PAPER.

FOR JUDGMENT.	
Jones v. Giles	White v. Crisp (D)
Banks v. Ollerton (Sp. C.)	Imperial Gas-light and Coke
	Co. v. London Gas-light
	Co.
FOR ARGUMENT.	
Jones v. Nicholson (Sp. C.,	Hookpayton v. Russell (Part
part heard)	heard)
	Mills v. Ryder (Sp. C.)

## London Gazettes.

FRIDAY, MAY 19.

## BANKRUPTS.

FRANCES FANNY NEVETT and JOHN FINLAYSON, Hampstead-road, Middlesex, brass founders, engineers, dealers and chapmen, May 30 at 12, and June 27 at 11, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Messrs. Lewis, Ely-place, Holborn, London.—Petition filed April 19.

SIR EVAN MACKENZIE, Bart., ROBERT CAMERON, and JAMES HOLMES BOYLE, St. Helen's-place, Bishopgate-street, London, merchants, dealers and chapmen, (trading under the style or firm of Sir Evan Mackenzie, Bart., & Co., at St. Helen's-place aforesaid), May 30 at 1, and June 27 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Marten & Co., Commercial Sale-rooms, Mincing-lane, London.—Petition filed May 12.

HENRY SEASON CHAMPION, Austin-friars, London, ship and insurance broker, (trading under the name, style, or firm of Messrs. Henry Season Champion & Co.), May 30 at half-past 11, and June 29 at half-past 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Hillyer & Fenwick, 8, Fenchurch-street.—Petition filed May 16.

FREDERICK DIMSDALE, King's Arms-yard, Coleman-street, London, dealer in iron, share dealer, scrivener, dealer and chapman, May 30 at 12, and July 5 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Reed & Co., Friday-street, London.—Petition filed May 6.

CHARLES SMITH, Air-street, Regent-street, Piccadilly, Middlesex, hotel and coffee-house keeper, May 27 at 11, and June 30 at half-past 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Hardy, 50, Lincoln's-inn-fields.—Petition filed May 9.

HUGH ELDRID, Witney, Oxfordshire, grocer and tea dealer, dealer and chapman, May 30 at half-past 2, and July 3 at 2, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Skynner, 25, Coleman-street, London.—Petition filed May 13.

JOHN WILSON, Barking, Essex, corn and coal dealer, dealer and chapman, June 6 and July 3 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Surridge & Francis, Romford, Essex; Wilkinson & Co., 2, Nicholas-lane, Lombard-street, London.—Petition filed May 17.

LEWIS BENJAMIN, Princes-street, Leicester-square, Middlesex, jeweller, dealer and chapman, May 27 at half-past 11, and July 1 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Utton, 44, Noble-st., Cheapside.—Petition dated May 17.

CHARLES OGALBE, Plymouth, Devonshire, builder and contractor, June 12 and July 10 at 11, District Court of Bankruptcy, Plymouth: Off. Ass. Hirtzell; Sols. Edmonds & Sons, Plymouth; Stogdon, Exeter.—Petition filed May 9.

SAMUEL BOULTON and JOHN SWINDELLS, Greenfield Works, near Holywell, Flintshire, spelter manufacturers and cement makers, (under the style or firm of S. Boulton & Co.), June 1 and July 6 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sol. Paterson, Liverpool.—Petition filed May 10.

BENJAMIN REDFERN, Manchester, stonemason and contractor, May 29 and June 19 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Rowley & Son, Manchester.—Petition filed May 17.

## MEETINGS.

L. Dispecker, Little Moorfields, London, dealer in French purses, June 8 at 2, Court of Bankruptcy, London, last ex.—J. Lyons, Alie-place, Great Alie-street, Goodman's-fields, Middlesex, and Minories, London, packing-case manufacturer, June 13 at half-past 11, Court of Bankruptcy, London, aud. ac.—M. Gugenheimer, Aldermanbury, and Fore-st., London, importer of foreign goods, May 31 at 12, Court of Bankruptcy, London, aud. ac.—Henry Steel, Norwich, tea dealer, May 31 at 12, Court of Bankruptcy, London, aud. ac.—Henry Wilson the younger, Old-street-road, Middlesex, currier, May 31 at half-past 12, Court of Bankruptcy, London, aud. ac.—T. Chew and John Chew, Little Moorfields, Cripplegate without, London, livery-stable keepers, June 2 at half-past 11, Court of Bankruptcy, London, aud. ac.—F. W. Strickland, Kensington-crescent, Kensington, and Symond's-lane, Chancery-lane, Middlesex, wine merchant, June 2 at half-past 11, Court of Bankruptcy, London, aud. ac.—James Monkman, Oldham, Lancashire, cotton spinner, June 3 at 12, District Court of Bankruptcy, Manchester, aud. ac.—E. Steele, Manchester, grocer, June 14 at 12, District Court of Bankruptcy, Manchester, aud. ac.; June 23 at 12, div.—Thomas Cartwright, Manchester, toy merchant, June 14 at 12, District Court of Bankruptcy, Manchester, aud. ac.; June 23 at 12, div.—T. Young, North Shields and Howdon Pans, Northumberland, shipbuilder, June 13 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—J. Strachan, Newcastle-upon-Tyne, common brewer, June 13 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; June 16 at 10, fin. div.—Christopher T. Potts, Sunderland, Durham, ship owner, June 13 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—Thomas Young, Sunderland, Durham, shipowner, June 16 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—J. Oyston, Wakefield, Yorkshire, linendraper, June 8 at 11, District Court of Bankruptcy, Leeds, aud. ac.; June 9 at 11, div.—H. Brown and James Coombs, Windsor, Berkshire, bankers, June 9 at 11, Court of Bankruptcy, London, div.—Duncan Mearns Mailland, Finchley, Middlesex, wine merchant, June 10 at 12, Court of Bankruptcy, London, div.—John Collins, Beccles, Suffolk, plumber, June 10 at 2, Court of Bank-

raptcy, London, div.—*Wm. T. Hamam*, Brighton, Sussex, wine merchant, June 10 at half-past 2, Court of Bankruptcy, London, div.—*James Gummery*, Kidderminster, Worcestershire, druggist, May 29 at 10, District Court of Bankruptcy, Birmingham, and. ac.; June 12 at 10, div.—*Thomas Core*, Stamford, Lincolnshire, innkeeper, June 2 at 10, District Court of Bankruptcy, Nottingham, and. ac.; June 9 at 10, div.—*Nicholas Crook*, Preston, Lancashire, tailor, June 16 at 12, District Court of Bankruptcy, Manchester, div.—*James Kinder*, Manchester, cotton manufacturer, June 22 at 12, District Court of Bankruptcy, Manchester, div.—*Wm. Falla*, Hulme, Lancashire, builder, June 14 at 12, District Court of Bankruptcy, Manchester, div.—*W. Marshall*, South Shields, Durham, shipowner, June 16 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—*Edward Emerson* and *Barnabas Fenwick*, Stela, Durham, and Newcastle-upon-Tyne, iron founders, June 13 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div. sep. est. of *Barnabas Fenwick*.—*George Turnbull*, Coxhoe, Durham, draper, June 16 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*John Lyons*, Alie-place, Great Alie-st., Goodman's-fields, Middlesex, and Minories, London, packing-case manufacturer, June 13 at half-past 11, Court of Bankruptcy, London.—*P. Emery*, Brighton, Sussex, licensed victualler, June 10 at 12, Court of Bankruptcy, London.—*Wm. Lacey*, St. Alban's-terrace, Vauxhall-bridge-road, Westminster, Middlesex, smith, June 10 at half-past 1, Court of Bankruptcy, London.—*T. Young*, North Shields and Howdon Pans, Northumberland, shipbuilder, June 13 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*William Clarke* and *Thomas Boulton*, Manchester, check manufacturers, June 14 at 12, District Court of Bankruptcy, Manchester.—*Joe. Ellis*, Ardwick, near Manchester, builder, June 15 at 12, District Court of Bankruptcy, Manchester.

*To be granted, unless an Appeal be duly entered.*

*William Houghton*, Kennington-oval, Lambeth, Surrey, licensed victualler.—*James Richardson*, *John Sanders* Wicks, and *Henry Smith*, Upper Queen's-buildings, Brompton, Middlesex, upholsterers.—*J. Young Smith*, Newcastle-upon-Tyne, shipbroker.

#### SCOTCH SEQUESTRATION.

*Robert Reid*, Denny, Stirlingshire, baker.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Wm. Dodson* the elder, Toxteth-park, Liverpool, out of business, May 29 at 10, County Court of Lancashire, at Liverpool.—*Thomas Abbott*, Watlington, Oxfordshire, corn dealer, June 8 at 10, County Court of Berkshire, at Reading.—*John Hooper*, Dodinghurst, Essex, grocer, June 9 at 11, County Court of Essex, at Brentwood.—*Thomas Farrar*, Halifax, Yorkshire, bookkeeper, June 9 at 10, County Court of Yorkshire, at Halifax.—*George C. Wear*, Great Grimsby, Lincolnshire, dealer in soap, June 15 at 12, County Court of Lincolnshire, at Great Grimsby.—*George Cos*, Plymouth, Devonshire, hotel waiter, May 31 at 11, County Court of Devonshire, at East Stonehouse.—*Wm. Taylor*, Macclesfield, Cheshire, silk manufacturer, May 25 at 11, County Court of Cheshire, at Macclesfield.—*Robert Robinson*, Skirlaugh, Yorkshire, tailor, May 31 at 11, County Court of Yorkshire, at Hedon.—*Jane Swallow*, widow, Lincoln, out of business, June 6 at 12, County Court of Lincolnshire, at Lincoln.—*Richard Whitford*, Great Hampton, Worcestershire, artist, June 16 at 11, County Court of Worcestershire, at Evesham.—*Francis Martin*, Sleaford, Lincolnshire, out of business, June 13 at 11, County Court of Lincolnshire, at Sleaford.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Lincolnshire, at LINCOLN, June 6 at 12.*

*George Anderson*, Owston, Axholme, labourer.—*Thomas Marshall*, Cherry Willingham, near Lincoln, in no business.

*At the County Court of Gloucestershire, at BRISTOL, June 8 at half-past 10.*

*Edward Powell*, Bristol, retailer of beer.—*William Robert Bemman*, Bristol, gold beater.

*At the County Court of Nottinghamshire, at NOTTINGHAM, June 13 at 10.*

*Thomas Wainwright*, Nottingham, tailor.

#### INSOLVENT DEBTOR'S DIVIDEND.

*James Willans*, Bishop Auckland, Durham, grocer, May 22, at Marley's, Bishop Auckland: 2s. in the pound.

TUESDAY, MAY 23.

#### BANKRUPTS.

**GEORGE SAUNDERS**, Seymour-street, Easton-square, Middlesex, gas fitter, dealer and chapman, June 3 and July 7 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Thomson & Son, 9, George-street, Minories.—Petition filed May 13.

**RICHARD BOND**, Brighton, Sussex, builder, June 2 at 1, and July 8 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Barrow & Clarke, 29, Bloomsbury-square.—Petition filed May 10.

**THOMAS HOY BURTON**, Winchester, cowkeeper and dairyman, dealer and chapman, June 2 and July 7 at 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Wooldridge, Winchester; Wood, 8, Falcon-street, Aldergate-street.—Petition filed May 20.

**ROBERT BURR**, Gosport, Southampton, boot and shoe maker, June 1 at half-past 1, and July 6 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Burr, 12, Paternoster-row.—Petition filed May 18.

**THOMAS HOLLAND**, Milner-street, Islington, Middlesex, tobacco broker, dealer and chapman, June 1 at 1, and July 6 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Eagleton, 84, Newgate-street.—Petition filed May 15.

**WILLIAM WRIGHT**, Thetford, Norfolk, butcher, dealer and chapman, May 31 at 2, and July 5 at half-past 2, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Houghton & Jameson, 4, Verulam-buildings, Gray's-inn, London.—Petition filed May 19.

**JAMES HUNT**, Lupus-street, Fimlico, Middlesex, builder, dealer and chapman, May 31 at 1, and July 5 at 2, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Fitch, 23, Southampton-street, Bloomsbury.—Petition filed May 19.

**JOSEPH BEST** the younger, Kidderminster, Worcestershire, scrivener, money agent, bill broker, dealer and chapman, June 6 and 22 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Reece, Birmingham; Roberts, 14, South-square, Gray's-inn, London.—Petition dated May 11.

**WILLIAM BRADLEY GEORGE**, Gloucester, scrivener and bill broker, June 5 and July 3 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Bretherton, Gloucester.—Petition filed May 18.

**WILLIAM JOHNSON**, Bradford, Yorkshire, butcher, dealer and chapman, June 13 and July 4 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Terry & Watson, Bradford; Bond & Barwick, Leeds.—Petition dated May 12.

**JOHN JACKSON**, Kingston-upon-Hull, commission agent, June 7 and July 3 at 12, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Carrick; Sol. Preston, Hull.—Petition dated May 10.

**CHARLES FITTON**, Newton-heath, near Manchester, joiner and builder, June 3 and 30 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Herniman; Sols. Messrs. Whitworth, Manchester.—Petition filed May 12.

**THOMAS FINCHETT** and **WILLIAM FINCHETT**, Chorlton-upon-Medlock, Manchester, brewers, June 14 and July 5 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Higson & Robinson, Manchester.—Petition filed May 19.

#### MEETINGS.

*Edmund W. Robinson*, Liverpool, cotton broker, June 2 at 12, District Court of Bankruptcy, Liverpool, pr. 2.—*Joseph Baker* and *Edward Swinburne*, Birmingham, timber merchants, June 15 at 10, District Court of Bankruptcy, Birmingham, ch. ass.—*Reuben Brooks*, Brixton Oval, Surrey, picture dealer, June 1 at 11, Court of Bankruptcy, London,

and. ac.—*John E. Crookford*, Wendover, Buckinghamshire, grocer, June 1 at 1, Court of Bankruptcy, London, and. ac.—*Duncan M. Meitland*, Finchley, Middlesex, wine merchant, June 3 at 2, Court of Bankruptcy, London, and. ac.—*Peter Leicester*, Birchin-lane, Cornhill, London, iron merchant, June 13 at 12, Court of Bankruptcy, London, and. ac.—*Mary Parkes*, Golden-square, Middlesex, printer, June 13 at 1, Court of Bankruptcy, London, and. ac.—*James Guest*, Manchester, cotton spinner, June 16 at 12, District Court of Bankruptcy, Manchester, and. ac.; June 23 at 12, div.—*Thomas Wilson* and *Henry Corbett*, Madras, East Indies, and Manchester and Preston, Lancashire, merchants, June 15 at 12, District Court of Bankruptcy, Manchester, and. ac.; June 22 at 12, div.—*Joseph Howard*, Glossop, Derbyshire, cotton spinner, June 15 at 12, District Court of Bankruptcy, Manchester, and. ac.; June 22 at 12, div.—*Joseph Menden* the elder, Slape Mills, Netherbury, Dorsetshire, flax spinner, June 8 at 1, District Court of Bankruptcy, Exeter, and. ac.; June 15 at 1, div.—*Richard Geo. Deimond*, Newton Abbott, Devonshire, stationer, June 8 at 1, District Court of Bankruptcy, Exeter, and. ac.; June 15 at 1, div.—*Lacy Martin*, Teignmouth, Devonshire, baker, June 8 at 1, District Court of Bankruptcy, Exeter, and. ac.—*Chas. John Poole*, Bridgewater, Somersetshire, baker, June 8 at 1, District Court of Bankruptcy, Exeter, and. ac.—*John Chatterton* the younger, Derby, lead merchant, June 9 at 10, District Court of Bankruptcy, Nottingham, and. ac.—*Thos. Lamplugh*, Great Driffield, Yorkshire, draper, June 14 at 12, District Court of Bankruptcy, Kingston-upon-Hull, and. ac.; June 14 at half-past 12, div.—*Edwin Lilley*, Kingston-upon-Hull, timber merchant, June 14 at 12, District Court of Bankruptcy, Kingston-upon-Hull, and. ac.; at half-past 12, div.—*Wm. Hewitt*, Great Driffield, Yorkshire, brewer, June 14 at 12, District Court of Bankruptcy, Kingston-upon-Hull, and. ac.—*Richard Williams*, New Brentford, Middlesex, shoemaker, June 14 at 1, Court of Bankruptcy, London, div.—*William Liney*, St. Alban's-terrace, Vauxhall-bridge-road, Westminster, Middlesex, smith, June 14 at 12, Court of Bankruptcy, London, div.—*John Masson*, Lime-street-square, London, merchant, June 13 at 1, Court of Bankruptcy, London, div.—*Henry Steel*, Norwich, tea dealer, June 14 at 2, Court of Bankruptcy, London, div.—*Henry Wilson* the younger, Old-street-road, Middlesex, currier, June 14 at half-past 1, Court of Bankruptcy, London, div.—*John Martindale*, New Bond-street, St. George's, Hanover-square, Middlesex, wine merchant, June 13 at 1, Court of Bankruptcy, London, fin. div.—*Fred. Bæser*, George-yard, Lombard-street, London, hotel keeper, June 14 at 12, Court of Bankruptcy, London, div.—*Thomas Barber*, Cambridge, schoolmaster, June 14 at 11, Court of Bankruptcy, London, div.—*William Bromley*, Gray's-inn-square, Gray's-inn, Middlesex, scrivener, June 13 at 12, Court of Bankruptcy, London, div.—*Edwin Shaw*, Birmingham, pocket-book maker, July 1 at 10, District Court of Bankruptcy, Birmingham, and. ac.; July 8 at 10, div.—*Michael Wood* and *John Wilding*, Openshaw, Lancashire, boiler makers, June 15 at 12, District Court of Bankruptcy, Manchester, fin. div. joint and sep. est.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*James H. T. V. Hughes*, Westbourne-grove, Bayswater, Middlesex, chemist, June 15 at half-past 11, Court of Bankruptcy, London.—*Henry Steel*, Norwich, tea dealer, June 14 at 2, Court of Bankruptcy, London.—*Richard Brownlow*, Ardwick, Manchester, gum manufacturer, June 17 at 12, District Court of Bankruptcy, Manchester.—*R. Geo. Beeley*, Manchester, cotton spinner, June 17 at 11, District Court of Bankruptcy, Manchester.

To be granted, unless an Appeal be duly entered.

*Jos. Smith Anstie*, Broken-wharf, Upper Thames-street, London, drysalter.—*Fred. Scudamore Robinson*, Bloomsbury-square, Middlesex, manufacturer of patent medicines.—*Chas. Clarke*, Norwich, brewer.—*John Robson*, Durham, miller.—*Sampson Langdale*, *John Eyton*, and *Maria J. Cooke*, Newcastle-upon-Tyne, merchants.—*Robert Lee*, Grantham, Lincolnshire, draper.

#### SCOTCH SEQUESTRATIONS.

*James Gay*, Falkirk, grocer.—*Lowrie Miller*, Glasgow, clothier.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Wm. Green*, Birmingham, butcher, June 3 at 10, County Court of Warwickshire, at Birmingham.—*Wm. Thomas*, Birmingham, retail brewer, June 3 at 10, County Court of Warwickshire, at Birmingham.—*B. Britton*, Birmingham, tailor, June 3 at 10, County Court of Warwickshire, at Birmingham.—*George Hollingworth*, Birmingham, plumber, June 3 at 10, County Court of Warwickshire, at Birmingham.—*Daniel Grantham*, Birmingham, builder, June 3 at 10, County Court of Warwickshire, at Birmingham.—*W. Shipman*, Mansfield, Nottinghamshire, baker, June 12 at 10, County Court of Nottinghamshire, at Mansfield.—*George Cooke*, Nottingham, umbrella dealer, June 13 at 10, County Court of Nottinghamshire, at Nottingham.—*Geo. Wareop*, Nottingham, machinist, June 13 at 10, County Court of Nottinghamshire, at Nottingham.—*John Rogers*, Poole, Dorsetshire, master mariner, June 13 at 10, County Court of Dorsetshire, at Poole.—*Denis Crowley*, Kidderminster, Worcestershire, grocer, June 21 at 10, County Court of Worcestershire, at Kidderminster.—*George Bowden*, Runcorn, Cheshire, joiner, June 2 at 10, County Court of Cheshire, at Runcorn.—*F. Rands*, Rowell, Northamptonshire, publican, June 1 at 12, County Court of Northamptonshire, at Kettering.—*James Hercock*, Rowell, Northamptonshire, wheelwright, June 1 at 12, County Court of Northamptonshire, at Kettering.—*Thos. Colegrove*, South Newington, Oxfordshire, wheelwright, June 27 at 12, County Court of Oxfordshire, at Banbury.

Saturday, May 20.

Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.

*William Rockliff*, Boston Spa, near Tadcaster, Yorkshire, smith, No. 77,243 C.; *George Nelson* and *Robert Varvill*, assignees.—*Joseph John Beall*, Devonport, writer in Devonport Dockyard, No. 77,296 C.; *Horatio Pickard*, assignee.—*William Taylor*, Blackburn, Lancashire, earthenware manufacturer, No. 77,763 C.; *George Baron*, assignee.—*R. Leyland*, Chorley, Lancashire, joiner, No. 77,953 C.; *Wm. Atherton*, assignee.—*Jesse Lee*, Brickfield, near Bacup, Lancashire, stonemason, No. 77,957 C.; *John Atherton*, assignee.—*John H. Munro*, Hunter-street, Brunswick-square, Middlesex, in no business, No. 77,815 C.; *George Carew*, assignee.—*J. Cowdell*, Oswestry, Shropshire, bookseller, No. 77,949 C.; *W. Stephenson*, assignee.—*Charles Mace*, Thorpe-le-Soken, Essex, draper's assistant, No. —; *G. Ridley*, assignee.

Saturday, May 20.

Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—  
(On their own Petitions).

*D. F. Campbell*, Old Cavendish-street, Cavendish-square, Middlesex, parliamentary agent: in the Queen's Prison.—*Joseph Russell*, Stangate-st., Westminster-bridge-road, Surrey, in no business: in the Debtors Prison for London and Middlesex.—*John Dallor*, Blackfriars-road, Surrey, auctioneer: in the Gaol of Surrey.—*Joseph Albright*, Richmond-terrace, St. George's-road, Surrey, out of business: in the Queen's Prison.—*W. Rendell*, New Church-street, Lisson-grove, Middlesex, fishmonger: in the Debtors Prison for London and Middlesex.—*Francis Twinkins*, Orchard-street, Poplar New-town, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Wm. Gamsi*, Levens-grove, Wharf-road, Caledonian-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*G. Lewis Barnett*, Leman-street, Goodman's-fields, Middlesex, pencil maker: in the Debtors Prison for London and Middlesex.—*Peter Wighton*, Coventry-street, Haymarket, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*James Black*, John-street, Blackfriars-road, Surrey, baker: in the Debtors Prison for London and Middlesex.—*Edward Carter*, Manor-street, King's-road, Chelsea, Middlesex, builder: in the Debtors Prison for London and Middlesex.—*Thomas Oliver*, Tabernacle-walk, Finsbury, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—*Christopher Parman*, Peasenhall, Suffolk, farmer: in the Debtors Prison for London and Middlesex.—*Thomas L. Jones*, Roupell-street, Cornwall-road, Lambeth, Surrey, compositor:

in the Debtors Prison for London and Middlesex.—*T. Peake*, Drummond-street, Euston-square, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Joseph S. Christophers*, Arlington-square, New North-road, Islington, Middlesex, emigration agent: in the Queen's Prison.—*A. Mailland*, Warburton-villas, Loughborough-park, Surrey, out of employment: in the Queen's Prison.—*J. Hughes*, Clayton-terrace, White Hart-street, Kennington, Surrey, out of business: in the Gaol of Surrey.—*R. M. Gilbert*, High-park-terrace, Old Kent-road, Surrey, railway clerk: in the Gaol of Surrey.—*J. T. Softley*, High-street, Camden-town, Middlesex, painter: in the Debtors Prison for London and Middlesex.—*H. J. Story*, Piccadilly, Middlesex, in no business: in the Queen's Prison.—*Wm. Allen*, Turnagain-lane, Snow-hill, London, cutler: in the Debtors Prison for London and Middlesex.—*John Buckwell*, Little Exmouth-street, Hampstead-road, Middlesex, carpenter: in the Debtors Prison for London and Middlesex.—*John Tyler*, New Hampton, Middlesex, licensed hawker of earthenware: in the Debtors Prison for London and Middlesex.—*George H. Green*, Oxford-st., Regent-street, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Matthew Owen*, Great Smith-street, Westminster, Middlesex, time keeper to Wilson's omnibuses: in the Debtors Prison for London and Middlesex.—*Henry H. Sadler*, Red Lion-passageway, Red Lion-square, Middlesex, attorney's clerk: in the Debtors Prison for London and Middlesex.—*Gilbert Fowler*, Beer-lane, Tower-street, London, out of business: in the Debtors Prison for London and Middlesex.—*H. M. Arkus*, Great Queen-street, Lincoln's-inn-fields, Middlesex, printer: in the Debtors Prison for London and Middlesex.—*John Swindell*, Upper Berkeley-street, Portman-square, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*John Hunter*, Great Randolph-st., New Camden-town, Middlesex, not in any business: in the Queen's Prison.—*F. W. Reper*, Godalming, Surrey, station master: in the Gaol of Surrey.—*Wm. Ward*, Duke-street, Blackfriars-road, Surrey, painter: in the Gaol of Surrey.

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# The Jurist

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JUNE 3, 1854.

PRICE 1s.

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LONDON, JUNE 3, 1854.

A QUESTION of considerable importance arose during last term in the Court of Queen's Bench, and has, we are informed, been argued this term, under the 42nd section of the Patent-law Amendment Act, 1852, viz. the section by which power is given to Courts of law to grant injunctions and account. The question was this—whether a patentee, who, having brought an action for damages, and gone on to trial, without moving for an injunction or account, has obtained a verdict with nominal damages only, can then obtain an order for an account of the profits made by the wrongful use of the invention. The Lord Chief Justice is reported to have intimated that the question would probably turn on what would have been the practice, before the act, as to supporting a bill in equity, if the plaintiff had commenced by bringing an action, and taking a verdict for nominal damages only, and to have thrown out a doubt whether, in such a case, a bill would lie. In this doubt we most entirely concur. We are not aware of any authority on the subject; indeed, it is most unlikely there should be any, because, under the old law, the almost universal practice was, if the patentee

cared for an account at all, to commence by filing a bill for an injunction and account. Then, if his title was doubtful, he was sent to law to establish it; and if he did establish it by a verdict, with nominal damages, then the Court of equity, being satisfied that he had a legal title, gave him what he had asked—the equitable relief of an injunction to prevent future infringement, and an account of what the defendant had made by the use of the invention.

It would not have been an inconsiderable argument in the days of Littleton and of Coke, that, from the circumstance of there being no instance of such a bill, it should be inferred that such a bill would not lie; but not resting much at this day on that species of argument, let us see whether, on principle, it could be supported.

The remedies sought by a bill for an injunction and account, and by an action for damages, are, in the first place, entirely dissimilar. By a bill, what the plaintiff says is this—"You have used my property; you have made profit in so doing, which you had no right to make for *your own use*; you are my trustee of that profit. I have a right to have it ascertained what profit you have made, and to have it paid to me; and I have a right to prevent your further use of my property." In an action the claim is—"You have used my property, and you have done *me injury* thereby; it is immaterial whether *you* have made profit or not; you have done *me* damage to a given amount."

It is quite consistent with the principle of the bill, that when the plaintiff has been sent to law to try his title, and has established it, he should come back into equity and have his injunction and account, and that whether he has recovered only nominal or substantial damages; for it being possible that there should be





damage ultra the profit made by the use of the invention, there would be nothing in the fact of his recovering damages, to deprive him of the injunction and account, to which the result of the action shews that he had a title at the time he filed his bill. But however that might have been in a case where, after filing a bill and moving for an injunction, the patentee had recovered substantial damages—a case which we believe has never arisen, because the invariable practice was to take a verdict only with nominal damages—there could be no doubt that, the action being brought under the direction or permission of the Court of equity, and to inform it whether the plaintiff had a legal title or not, it was quite and strictly consistent with the principle of the relief asked, that, after the recovery of a verdict with nominal damages, the plaintiff should have his account.

But if, on the other hand, a patentee had proceeded at law for damages, and recovered damages, on what ground could he then come into equity? The Court of equity gives an injunction, not to punish for the past, but to restrain for the future. If a patentee files his bill, alleging that he has recovered damages for the past infringement, and not alleging threats or danger of future infringement, on what would his equity rest? The very nature of the action involves the complete satisfaction of the wrong done to the plaintiff. Damages mean compensation for the injury. They must *include* the profit, if any, made by the defendant, (though they may also go further), otherwise they would not be damages for the wrong done. This would be clear if the damages recovered were substantial damages. Why, then, should it differ the case that they are nominal? In either case the plaintiff has recovered either what he considered, or what the jury considered for him, compensation for the wrong; and if after that he went into equity, equity would, we apprehend, consider the past wrong as accounted for, and decline to add to, or interfere with, the decision of the jury. It would hold that the plaintiff had elected his remedy; that he preferred damages to a mere account of profits; and that having obtained them, his old equity was gone.

Then that being so, his equity for an injunction failing, his equity for an account would fail on that ground alone, even if it did not fail on the ground that he had already had compensation; for equity holds that in cases of waste—and infringement of a patent is in the nature of waste—the account is ancillary to the injunction; if there is no title to an injunction, there can be none to an account. The rationality of this doctrine we are not called upon to defend; but that it is the doctrine of equity may be seen by consulting *Parrott v. Palmer*, (3 My. & K. 641).

The Queen has been pleased to appoint Alan Ker, Esq., to be Chief Justice for the Island of Nevis.

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed the following Gentlemen to be Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women:—Robert Withington Simonds, of Winchester, in and for the city of Winchester, also in and for the county of Hampshire; Robert Frederick Welchman, of Southam, Warwickshire, in and for the county of Warwick.

## THE MARRIED WOMAN'S REVERSIONARY INTERESTS BILL.

By this bill it is proposed to authorise "every married woman by deed to dispose of every *future and reversionary interest*, whether vested or contingent, of such married woman, or her husband in her right, as fully and effectually as she could do if she were a feme sole; and also to release and extinguish her right or equity to a settlement out of any personal estate to which she, or her husband in her right, may be entitled in possession, save and except that no such disposition, release, or extinguishment shall be valid unless the husband concur in the deed by which the same shall be effected, nor unless the deed be acknowledged by her as hereinafter directed:" the acknowledgment being that required in respect of land by the Fines and Recoveries Act, the whole of the provisions of which act, relating to dispositions of land by married women, including the provisions for dispensing with the husband's concurrence, are to be extended to dispositions under the proposed act.

This is, at the best, beginning at the wrong end of the chapter on the rights and disabilities of married women. The enabling married women to dispose of all their interests, whether vested or contingent, in real estate, was a necessary concession to the wants of society, which require that there should be as little obstruction as possible to the alienation of land. But no inconvenience to society can arise from tying up a married woman's reversionary interest in Consols, or in any other permanent fund; and the proposed bill would, without any assignable reason, other than the desire of conveyancers to break every fetter that is not specially forged by themselves, deprive many married women of an important protection against their own improvidence or their husbands' tyranny. It may be said that it may sometimes be beneficial to the wife to anticipate her reversion. Very possibly. So it may sometimes be desirable to upset any settlement. No arrangement for the future is certain to be the best possible; but unless we are prepared to abolish settlement altogether, it seems to be the wisest course to adhere to the letter of every settlement in favour at least of objects under disability, unless, as in the case of land, there is some clear reason of public policy for interfering. We repeat, that, in the majority of cases, it would be far more beneficial to the married woman to tie her hands than to loose them.

If any of the disabilities of married women are to be removed, let the first attack be made on those laws which make them the slaves of their husbands without even the slave's privilege of acquiring a peculium by their own industry, and on the law which, in the absence of settlement, gives their property to their husbands.

The bill contains no exception of property subject to a restraint on alienation; but that would be implied, as it is in the corresponding provisions of the Fines and Recoveries Act.

## Correspondence.

### COUNTY COURTS AND SUPERIOR COURT JUDGMENTS.

TO THE EDITOR OF "THE JURIST."

SIR,—I beg leave to refer your correspondent "J. B. H." to the case of *Winnor v. Dunford*, (12 Ad. & El. 603; 12 Jur., part 1, p. 629), confirming the decision of the judge of the County Court of Cambridge in the previous case of *Rance v. James*, (12 Jur., part 1,

p. 62), in which the point first arose, and was decided in favour of the right to sue in a county court on the judgment of a superior Court.

I remain, Sir,

Your obedient servant,  
A CONSTANT READER.

[Our correspondent "J. B. H." was probably thinking of the converse case of an action in a superior court on the judgment of a county court, which is not allowed, as being contrary to the policy of the County Courts Act. (*Berkeley v. Elderkin*, 1 El. & Bl. 805; 17 Jur., part 1, p. 1153; *Austin v. Mills*, 9 Exch. 287; 18 Jur., part 1, p. 16).—Ed.]

### Reviews.

*A Manual for Articled Clerks, containing Courses of Study, as well in Common Law, Conveyancing, Equity, Bankruptcy, and Criminal Law, as in Constitutional, Roman, Civil, Ecclesiastical, Colonial, and International Laws, and Medical Jurisprudence; a Digest of all the Examination Questions, with the new General Rules, Forms of Articles of Clerkship, Notices, Affidavits, &c., and a List of the proper Stamps and Fees; being a comprehensive Guide to their successful Examination, Admission, and Practice as Attornies and Solicitors of the Superior Courts. Seventh Edition. By J. J. S. WHARTON, Esq., M. A., Oxon., Barrister at Law; Author of "The Law Lexicon," "An Exposition of the Laws relating to the Women of England," &c. 12mo. Pp. 511.*

A SINGLE brick from this structure, properly considered, will give a very just idea of the whole. That which we first ran against was the following, in Mr. Wharton's Preface, p. viii:—

"From the wonderful extent of our sway, shewn by the fact that the sun never sets upon the dominions of England, for when the great luminary departs from this country, and from Gibraltar, Sierra Leone, the islands of Ascension and St. Helena, which are almost longitudinally parallel with us, it rises upon Newfoundland, continues its course over the Northern Isles, Labrador, and Canada, passes on in its path of grandeur from Lake Superior to the West India Isles, travels to the island continent of Australia, then sheds its glories upon Ceylon, and proceeds over the extensive empire of Hindustan," &c.

The few who, like ourselves, have looked into "A Treatise on Universal Jurisprudence, by John Penfold Thomas, Esq.," (2nd ed., 1829), and been dazzled by his gorgeous dedication to his "august sovereign," (George IV), in whose "auspicious sway the age of gold which early fable sketched is realised," will perceive that Mr. Wharton has betrayed the state of his morals as well as of his taste by copying Mr. Thomas's rubbish verbatim, without acknowledgment. Thomas's dedication to his fat friend is followed by a "Proöm," in which he says, "Neckar had too much reason reproachfully to describe us as 'Les Anglais sorties depuis long temps des écoles de la philosophie législative'—a sentence which Mr. Wharton also appropriates, and appends as a tag to the geographical plunder. Time was when a Thomas would have been deemed safe from literary robbery:—"cantabit vacuus." But Juvenal knew not Wharton.

For the benefit of those who may not see the full significance of the foregoing specimen, we will go a little deeper into the book. It professes to contain courses of study; what they are like may be readily guessed from an inspection of the author's index of "books cited, criticised, and recommended." The list

includes Wharton's Exposition of the Laws relating to the Women of England; Wharton's Law Lexicon; Wharton's Principles and Practice of Conveyancing, (not yet published); Newland on Contracts, (published in 1806); Pope's Homer; Thomson's Seasons; Ivanhoe; The Merchant of Venice; Davy's Salmonia; and Carlyle on Chartism. While it recommends such elaborate works as Fearn's Remainers; Lewis on Perpetuity; and Marshall on Insurance, it gives no hint of the existence of Roper, Bright, M'Queen, or Bell on Husband and Wife; Phillips, Starkie, Taylor, or Best on Evidence; Jarman's or Davidson's Precedents in Conveyancing; Hayes's Introduction to Conveyancing; Hayes & Jarman's Forms of Wills; Smith's Leading Cases; Lewin or Hill on Trustees; or of the excellent elementary works on Real and Personal Property by Mr. Joshua Williams. To make amends, Mr. Wharton says, "A dictionary is very essential, and I do not hesitate to recommend my own Law Lexicon."

There is no criticism on books, and the promise in the title-page of courses of reading is a delusion. The bulk of the book is made up of compilations from the examination papers, (which we presume may be bought in a more complete form for less than 14s.), and a quantity of stuff which we do not know how to describe otherwise than by sample:—

"British law is derived from the following sources: 'history, acts of Parliament, the reports, abridgments, digests, treatises on the law of nature and of nations, treaties with foreign nations, treatises on the various branches of instituted law, magazines, and periodicals.' The numerous volumes in which these subjects are found constitute the bibliotheca legum of our country." (P. 24).

Judgments are contracts of record, and specialties are "instruments, not of record, but in writing, signed, sealed, and delivered by a party bound, to or for the benefit of the person to whom the liability is incurred. Such are deeds, and of these some are conveyances transferring the right to property, as a grant, release, feoffment, &c., and others are obligations 'charging or discharging property, as bonds.'" (P. 47). The information respecting bonds is repeated at p. 135, where we are told that "deeds which charge, discharge, or enlarge property are—bond, recognisance, defeasance on a bond."

Simple or parol contracts "are neither of record nor under seal, and it makes no difference whether they are in writing or verbal, express or implied, except that a written and express contract is easier of proof." (P. 48). No hint of the Statute of Frauds.

Collision is a mercantile transaction. (P. 51). But the whole title of mercantile transactions is a gem. "With regard to mercantile transactions, so far as they are cognisable at the common law, they may be comprised under these heads, viz. Mercantile Shipping—Bottomry and Respondentia Insurance—Contracts of Affreightment—The Conveyance of Passengers—Collision—Salvage—and Hiring of Seamen."

The period of limitation in respect of actions of ejectment is now twenty years, by virtue of the 21 Jac. 1, c. 16, s. 1.

*Elementary Information.*—"Fictitious and needless averments need not now be made in pleadings. . . . Express colour and special traverses are also abolished." (P. 61).

"There are three modes of acquiring a title to realty: first, by operation of law; secondly, by purchase, as contradistinguished from law; thirdly, by law and purchase. Title by operation of law is either by descent or prescription, otherwise non-claim. Title by purchase is either by forfeiture or alienation. Title by law and purchase is by escheatage." (P. 130).

"The requisites to a deed are these—first, sufficient

'parties, and a proper subject of assurance, which should be described with adequate certainty; secondly, a legal consideration, or matter of inducement; thirdly, the deed must be written or printed' &c. (P. 131).

*Useful Information concerning Covenants.*—(P. 133).  
"Covenants.—This is considered a very nice and important part of a deed. The subjects of a covenant are extremely various and extensive, the direct purpose being to secure the performance of the contract." Et voilà tout.

*Relief against Forfeiture.*—"Equity will only give relief on breaches of covenant provided the omission and consequent forfeiture are the effect of inevitable accident, and the injury and inconvenience occasioned thereby is capable of complete recompence; but when the transgression is wilful, or the compensation impracticable, equity will refuse to interfere, as in the case of a lessee not insuring pursuant to covenant, or to excuse him from the payment of rent, the premises being burnt down, for he ought to have protected himself by a special covenant. Forfeitures on bonds and covenants are also relievable in equity, on the ground that accident alone has prevented their fulfilment." (P. 177).

In the chapter on Medical Jurisprudence ("a science interesting and serviceable, it teaches us the economy of our physical machinery, and the mental and bodily imperfection of our frail nature"—Pref., p. ix) we are told that "the animal poisons are Cantharides (Spanish fly) and poisonous articles of food;" and that "narcotic" is a synonym of "excharotic" [caustic.] (P. 450).

The above extracts will enable our readers to warn their young friends against wasting their money and time on "The Articled Clerk's Manual." If we are asked what book of advice they should buy, we answer that we do not know any one of very recent date. The first edition of Mr. Warren's Introduction to Law Studies (1835) is, on the whole, the best. With all its faults it contains much sound advice, and is better adapted than any book we know to elevate the beginner's views of his profession, and excite his industry and emulation. The second edition (1845) is greatly overdone, and by no means so well fitted for its purpose as the first. Mr. Warren's selection of books is too voluminous, and now somewhat obsolete. As we do not know where a course of elementary reading, adapted to the present state of the law and its literature, is to be found, we will here give a list of the best elementary books, in the order in which they should be read:—

Stephen's Commentaries, (this is very inferior to Blackstone, but there is no good edition of Blackstone of very recent date—Blackstone, by Stewart, should be avoided); Williams's Law of Real Property; Williams's Law of Personal Property; Hayes's Introduction to Conveyancing; J. W. Smith's Compendium of Mercantile Law; Adams on the Doctrine of Equity, (an excellent work, though little known); J. W. Smith's Law of Contracts; J. W. Smith's Elementary View of the Proceedings in an Action at Law, (a new edition is promised); and Best's Principles of the Law of Evidence.

We do not recommend any books on law or equity pleading and practice. The articled clerk will find in Stephens, Smith, (action at law), and Adams, sufficient elementary information on these subjects to illustrate his office practice, and should postpone a deeper study until he has finished the course mentioned above, when probably he will find the existing systems very much changed, and will have to learn from books yet unwritten.

## COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.

The Lord Chancellor, under the powers of the 16 & 17 Vict. c. 78, intituled "An Act relating to the Appointment of Persons to administer Oaths in Chancery, and to Affidavits made for Purposes connected with Registration," has appointed the following gentlemen to be Commissioners for administering Oaths in Chancery:—

### To be London Commissioners.

Samuel Potter the elder, 36, King-street, City.  
Robert Christopher Parker, Blue Style, Greenwich.  
William Samuel Young, 30, Parliament-street, and 1, Vauxhall-bridge-road, Westminster.  
Charles Nicholas Cole, 4, Adelphi-terrace.  
George Theodore Wingate, 2, Copthall-court, City.  
William Bush Cooper, 3, Verulam-buildings, Gray's-inn.  
Nethaneel Lindo, 17, King's Arms-yard, City.  
John George Bonner, 15, London-street, City.  
Henry Hill, 1, Bury-court, St. Mary Axe, City.  
Henry Berry, 5, Verulam-buildings, Gray's-inn.  
John Harrison, 14, New Boswell-court, Lincoln's-inn.  
Charles Holt, 93, Guildford-street, Russell-square.

### To be Commissioners in England.

John Mackenness Stevenson, Northampton.  
William Henry Macaulay, Leicester.  
Henry Hawke, Sheffield.  
George Page, Birmingham.  
Richard Stevens, Witham, Essex.  
James Franklin, Halifax, Yorkshire.  
Edward Heathcote, Hatfield, Yorkshire.  
Ayling Chamberlain, Portsea, Hampshire.  
Henry Kitson, Wolverhampton, Staffordshire.  
Richard Jessop, Holmfirth, Yorkshire.  
William Shapland, Devonport, Devonshire.  
William Curtis Burt, Reigate, Surrey.

## PUBLIC EXAMINATION OF STUDENTS.

At the public examination of the Students of the Inns of Court, held at Lincoln's Inn Hall, on the 22nd, 23rd, and 24th days of May, 1854, the Council of Legal Education awarded to—

F. W. Everitt Stiffe, Esq., student of Lincoln's Inn, a studentship of 50 guineas per annum, to continue for a period of three years.

John Westlake, Esq., student of Lincoln's Inn, and George Hunter Cary, Esq., student of the Inner Temple, certificates of honour, as having passed the next best examinations.

The Hon. Thomas Charles Bruce, student of the Inner Temple, a certificate that he has satisfactorily passed a public examination.

By order of the Council,

(Signed) EDWARD RYAN, Chairman pro tem.

Council Chamber, Lincoln's Inn,  
29th May, 1854.

MEMBER RETURNED TO SERVE IN PARLIAMENT.—Abel Smith the younger, Esq., for the county of Hertford, in the room of Thomas Plumer Halsey, Esq., deceased.

## London Gazettes.

FRIDAY, MAY 26.

## BANKRUPTS.

**JOHN CHARLES BRANT**, Shoreditch, Middlesex, oil and colour man, dealer and chapman, June 8 at half-past 1, and July 6 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Young, 7, Bank-buildings.—Petition filed May 23.

**RICHARD STRINGER**, Harefield, near Uxbridge, Middlesex, draper, grocer, dealer and chapman, June 8 at half-past 11, and July 13 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Gardiner, Uxbridge; Chautler, Gray's-inn.—Petition filed May 24.

**ROBERT KEMP PHILP** and **RICHARD PERKINS APPLEFORD**, Fleet-street, London, booksellers and publishers, dealers and chapmen, June 8 at 11, and July 13 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Barrall, 7, Laurence Pountney-lane.—Petition filed May 26.

**WILLIAM ACKLAND**, Salisbury-street, Lisson-grove, and High-street, Portland-town, and **FREDERICK MASON GOODWIN**, High-street, Portland-town, Middlesex, linen-drappers, dealers and chapmen, June 2 at 12, and July 1 at 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Jones, 15, Sise-lane, London.—Petition dated May 24.

**SAMUEL ISAACS**, Portsea, Hampshire, hardwareman, dealer and chapman, June 14 at 12, and July 4 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Overbury, 4, Frederick's-place, Old Jewry.—Petition filed May 16.

**WILLIAM LONG**, Lamb's Conduit-street, Middlesex, baker and grocer, dealer and chapman, June 9 and July 8 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Ashurst & Son, 6, Old Jewry.—Petition filed May 24.

**JEREMIAH BILLINGHAM** and **JESSE BILLINGHAM**, Cradley-heath, Staffordshire, chain makers, June 8 and 29 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Robinson & Fletcher, Dudley; Motteram & Knight, Birmingham.—Petition dated May 17.

**JOHN BATES**, West Bromwich, Staffordshire, builder, June 8 and 29 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Motteram & Knight, Birmingham.—Petition dated May 1.

**RICHARD LATHAM** the younger, Bristol, leather dealer, June 7 and July 4 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Smith, Bristol.—Petition filed May 16.

**RICHARD CAVE**, Bristol, Manchester warehouseman, (lately carrying on business in Manchester in co-partnership with Joshua Crowther and William Dickinson the younger, under the style or firm of Crowther, Dickinson, & Cave), June 7 and July 4 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Bevan & Girling, Bristol.—Petition filed May 23.

**JOHN HOLMES** and **ROBERT HOLMES**, Sheffield, Yorkshire, builders, dealers and chapmen, (carrying on business at Sheffield under the style or firm of John Holmes & Son), June 10 and July 1 at 10, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sols. Branson & Son, Sheffield.—Petition dated and filed May 20.

**JAMES BURGIN**, Sheffield, Yorkshire, tailor, draper, and haberdasher, (carrying on business at Sheffield under the style or firm of James Burgin & Co.), June 10 and July 1 at 10, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sols. Hoole & Yeomans, Sheffield.—Petition dated and filed May 20.

**SAMUEL CRANE FOX**, Liverpool, wine and spirit merchant, (carrying on business under the style or firm of John Fox & Son), June 6 and 26 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Minshall & Horner, Liverpool.—Petition filed May 22.

**CROSBY LEIGHTON**, Liverpool, grocer, dealer and chapman, June 8 and 30 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sol. Williams, Liverpool.—Petition filed May 23.

**JAMES NUTTALL**, **JAMES YATES**, and **CHARLES NUTTALL**, Rawtenstall, Lancashire, cotton manufacturers, dealers and chapmen, (carrying on business under the style or firm of Nuttall, Yates, & Nuttall), June 17 and July 1 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Herniman; Sols. Cobbett & Wheeler, Manchester.—Petition filed May 24.

## MEETINGS.

*James H. T. V. Hughes*, Westbourne-grove, Bayswater, Middlesex, chemist, June 13 at 12, Court of Bankruptcy, London, pr. d.—*Robert D. Reeves*, Liverpool, spirit dealer, and *Richard H. Dawson*, Oxtou, Cheshire, out of business, June 7 at 11, District Court of Bankruptcy, Liverpool, pr. d. sep. est. of *Richard H. Dawson*.—*Thomas Rolph*, Leamews, Upper Brook-st., Grosvenor-square, Middlesex, builder, June 23 at 12, Court of Bankruptcy, London, last ex.—*George Adam Anderson* and *George Kirk*, Middlesbrough, Yorkshire, hardwaremen, June 13 at 11, District Court of Bankruptcy, Leeds, last ex. of *George Kirk*.—*James Hiley*, South-street, Finsbury, Middlesex, private boarding-house keeper, June 7 at 1, Court of Bankruptcy, London, and. ac.; June 17 at 12, div.—*Ephraim Levy Green*, Bevis Marks, London, wholesale clothier, June 7 at 1, Court of Bankruptcy, London, and. ac.; June 17 at 11, div.—*George Brooks*, Tunbridge Wells, Kent, tailor, June 7 at 1, Court of Bankruptcy, London, and. ac.; June 17 at half-past 11, div.—*W. Colk*, North Walsham, Norfolk, wine merchant, June 7 at 1, Court of Bankruptcy, London, and. ac.; June 17 at 12, div.—*Henry Green*, Stoke-by-Nayland, Suffolk, baker, June 7 at half-past 1, Court of Bankruptcy, London, and. ac.; June 17 at 11, div.—*E. Belding*, Speenhamland, Spcen, Berkshire, builder, June 7 at half-past 1, Court of Bankruptcy, London, and. ac.; June 17 at half-past 11, div.—*Thos. Butterworth*, Greenbooth Mill, near Rochdale, Lancashire, woollen manufacturer, June 22 at 12, District Court of Bankruptcy, Manchester, and. ac.; June 29 at 12, div.—*Wm. Edmond* and *Thos. Edmond*, Liverpool, merchants, June 16 at 12, District Court of Bankruptcy, Manchester, and. ac. sep. est. of *Wm. Edmond*; June 23 at 12, and. ac. joint est., and div. sep. est. of *Wm. Edmond*; June 30 at 12, div. joint est.—*J. Francis*, Manchester, baker, June 13 at 12, District Court of Bankruptcy, Manchester, and. ac.; June 20 at 12, div.—*Sarah Whitehouse*, *Edwin Whitehouse*, and *Alfred Whitehouse*, Newland, Gloucestershire, and Monmouth, tin-plate manufacturers, June 22 at 11, District Court of Bankruptcy, Bristol, and. ac.; June 29 at 11, fin. div. sep. est. of *Sarah Whitehouse*.—*Stephen Meredith*, Birmingham, draper, June 7 at 10, District Court of Bankruptcy, Birmingham, and. ac.; June 14 at 10, div.—*J. T. Clay*, Rastrick, Halifax, Yorkshire, fancy cloth manufacturer, June 20 at half-past 11, District Court of Bankruptcy, Leeds, and. ac.; at 12, div.—*J. W. Dawson* and *T. E. Williams*, Crescent-place, New Bridge-st., Blackfriars, London, wine merchants, June 22 at 11, Court of Bankruptcy, London, div.—*Jas. Oliver Mason*, *John Mason*, and *Alfred Mason*, New Broad-street, London, merchants, June 23 at 11, Court of Bankruptcy, London, div.—*Thomas Radford*, Noble-street, London, and Manchester, warehouseman, June 17 at 1, Court of Bankruptcy, London, div.—*William Nash*, Noble-street, London, woollen warehouseman, June 19 at 1, Court of Bankruptcy, London, fin. div.—*James Green*, Northampton, carpenter, June 19 at 12, Court of Bankruptcy, London, div.—*James Murray*, Gresham-st., London, woollen warehouseman, June 19 at 1, Court of Bankruptcy, London, fin. div.—*I. I. Nunes* and *A. I. Nunes*, Hackney, Middlesex, merchants, June 22 at 1, Court of Bankruptcy, London, fin. div.—*Herbert Ashton* and *Stewart Spriggs*, Aldermanbury, London, warehousemen, June 22 at 12, Court of Bankruptcy, London, div.—*T. Newbould* the younger, Sheffield, Yorkshire, merchant, June 22 at 11, Court of Bankruptcy, London, fin. div.—*H. Bates* and *C. Hitchman*, Adde-street, London, and Bristol and Birmingham, straw-plait dealers, June 22 at 12, Court of Bankruptcy, London, fin. div. sep. est. of *H. Bates*.—*W. Cobbett*, Bear-gardens, Surrey, plumber, June 22 at 1, Court of Bankruptcy, London, div.—*John Preston*, King's Arms-yard, Moorgate-street, London, woollen warehouseman, June 22 at 1, Court of Bankruptcy, London, div.—*John Plimmer*, Britten-street, Chelsea, Middlesex, brewer, June 22 at 2, Court of Bankruptcy, London, div.—*Thomas Chew* and *John Chew*, Little Moorfields, Cripplegate Without, London, livery-stable keepers, June 16 at half-past 11, Court

of Bankruptcy, London, div.—*Wm. John Hicks*, Waltham Abbey, Essex, draper, June 16 at 11, Court of Bankruptcy, London, div.—*Joseph Archibald Joyce*, Old Broad-st., London, merchant, June 16 at 1, Court of Bankruptcy, London, div.—*Jas. Paul* the elder, Southsea and Portsea, Southampton, brewer, June 16 at half-past 12, Court of Bankruptcy, London, div.—*Frederick Wm. Strickland*, Kensington-crescent, Kensington, and Symond's-inn, Chancery-lane, Middlesex, wine merchant, June 16 at 12, Court of Bankruptcy, London, div.—*Henry N. Barnes*, Margaretting, Essex, milkman, June 17 at 12, Court of Bankruptcy, London, div.—*Joseph Camm*, Quorndon, Leicestershire, miller, June 16 at 10, District Court of Bankruptcy, Nottingham, aud. ac.; June 23 at 10, div.—*W. Inchley*, Drayton, Leicestershire, coal dealer, June 27 at 10, District Court of Bankruptcy, Birmingham, div.—*Robert Barr*, Glasgow, Scotland, and *John Sykes*, Huddersfield, Yorkshire, spinners, June 16 at 11, District Court of Bankruptcy, Leeds, div. sep. est. of *Robert Barr*.—*Wm. Brooks*, Doncaster, Yorkshire, innkeeper, June 17 at 10, District Court of Bankruptcy, Sheffield, div.—*R. Thomson*, York, linendraper, June 16 at 11, District Court of Bankruptcy, Leeds, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*George Jones*, Baker-street, Lloyd-square, Clerkenwell, Middlesex, manufacturing jeweller, June 20 at 11, Court of Bankruptcy, London.—*John Withers*, Oxford, chemist, June 17 at 11, Court of Bankruptcy, London.—*Wm. John Hicks*, Waltham Abbey, Essex, draper, June 16 at 1, Court of Bankruptcy, London.—*T. B. Moss*, Little Tower-street, London, tea dealer, June 16 at 1, Court of Bankruptcy, London.—*Wm. Henry Dean*, Fleet-street, London, auctioneer, June 19 at 1, Court of Bankruptcy, London.—*Henry Jesse*, Basingstoke, Southampton, corn factor, June 19 at half-past 12, Court of Bankruptcy, London.—*James Evans* and *George Davey*, Britton Ferry Iron Works, Glamorganshire, ironmasters, June 20 at 11, District Court of Bankruptcy, Bristol.—*Wm. Edwards*, Brooking, St. Stephen by Saltash, Cornwall, coal merchant, July 10 at 11, District Court of Bankruptcy, Exeter.—*Joseph Grace*, Manchester, warehouseman, June 20 at 12, District Court of Bankruptcy, Manchester.—*Joseph Moss*, June 19 at 11, District Court of Bankruptcy, Liverpool.—*Robert Roberts*, Liverpool, tailor, June 19 at 12, District Court of Bankruptcy, Liverpool.

*To be granted, unless an Appeal be duly entered.*

*Frederick Bhear*, George-yard, Lombard-street, London, hotel keeper.—*Valentine Henry Gay*, Blackfriars-road, Surrey, and Strand, Middlesex, tailor.—*Donald Sinclair*, Bath-place, Peckham, Surrey, apothecary.—*John Hustable*, Frome Selwood, Somersetshire, silversmith.—*James Stephenson*, Arbour-terrace, Commercial-road, Middlesex, draper.—*John Dent*, Queen's-road, Homerton, Middlesex, carpenter.—*Jas. Kingston*, Reading, Berkshire, draper.—*Wm. Kidston* and *F. Kidston*, North-st., Sidney-st., Mile-end, and Liverpool-st., Bishopsgate, London, medical fitters.—*Thomas Cook Millington*, Maldon, Essex, chemist.—*Joseph Raynes*, Nottingham, laceman.—*Benjamin Witt*, Wimborne Minster, Dorsetshire, brewer.—*John Perrett* and *Charles Garton*, Bristol, maltsters.—*Joseph Head*, Exeter, silversmith.—*Thomas Honey*, Launceston, Cornwall, grocer.—*Thomas Pitt*, Haselbury Plucknett, Somersetshire, girth web manufacturer.—*Joseph Munden* the elder, Netherbury, Dorsetshire, flax spinner.—*John Frater*, Manchester, brewer.—*James Dowell*, Birmingham, chemist.

#### PARTNERSHIPS DISSOLVED.

*Charles Truwhitt* and *Henry Morton Ody*, Lincoln's-inn-fields, Middlesex, attorneys and solicitors.—*Thomas Newsam* and *Arthur Griffin*, Middlesbrough, Yorkshire, attorneys and solicitors.—*Michael Cohen de Lara* and *Wm. Fogg*, Manchester, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*Wm. Lumsden Macalaster*, Paisley, yarn merchant.—*S. Woolfield*, Glasgow, goldsmith.—*Taylor & Rodgers*, Paisley, dyers.—*Alexander & Alexander*, Glasgow, tea merchants.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*George Gines*, Birmingham, carpenter, June 17 at 10,

County Court of Warwickshire, at Birmingham.—*Jos. Black*, Hulme, Manchester, grocer, June 26 at 12, County Court of Lancashire, at Manchester.—*S. Richardson*, Mayfield, Sussex, bricklayer, June 15 at 10, County Court of Kent, at Tunbridge Wells.—*Henry Bos*, Tunbridge Wells, Tunbridge, Kent, clerk to an auctioneer, June 15 at 10, County Court of Kent, at Tunbridge Wells.—*Wm. Cotes*, Warmbrook, Wirksworth, Derbyshire, auctioneer, June 7 at 11, County Court of Derbyshire, at Wirksworth.—*Thos. Wagstaff*, Newport, Monmouthshire, beer retailer, June 14 at 12, County Court of Monmouthshire, at Newport.—*Morgan Williams*, Talawain, Trevelin, Monmouthshire, grocer, June 15 at 10, County Court of Monmouthshire, at Pontypool.—*Thomas Keene*, Dunstable, Bedfordshire, grocer, May 31 at 11, County Court of Bedfordshire, at Luton.—*Charles White*, Great Yarmouth, Norfolk, bricklayer, June 12 at 10, County Court of Norfolk, at Great Yarmouth.—*Samuel Biddle*, Gillingham, Kent, grocer, June 8 at 10, County Court of Kent, at Rochester.—*Denis O'Brien*, Dunstable, Bedfordshire, draper, May 31 at 11, County Court of Bedfordshire, at Luton.—*George Sydney Davies*, Crickhowell, Brecknockshire, attorney-at-law, June 1 at 11, County Court of Brecknockshire, at Crickhowell.—*James Lawton*, Oldham, Lancashire, grocer, June 2 at 12, County Court of Lancashire, at Oldham.—*John Morris Thomas*, Canterbury, Kent, tailor, June 9 at 11, County Court of Kent, at Canterbury.—*John Crowther*, Huddersfield, Yorkshire, corn miller, June 8 at 10, County Court of Yorkshire, at Huddersfield.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*June 9 at 11, before Mr. Commissioner PHILLIPS.*

*John Phillips*, Pancras-place, Pancras-road, King's-cross, Middlesex, pianoforte maker.—*Charles Osborne*, Leach's-cottages, Southampton-street, Camberwell, Surrey, clerk in the Audit Office, Somerset House.—*Wm. Franklin*, Hornchurch, Havering Atto Bower, Essex, shoemaker.

*June 12 at 11, before the CHIEF COMMISSIONER.*

*Nicholas Charles Szereimey*, St. Ann's-terrace, Brixton-road, Surrey, following no trade.—*John Andrew Edgar*, Marylebone-lane, Oxford-st., Middlesex, gas fitter.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*June 9 at 10, before the CHIEF COMMISSIONER.*

*J. B. Shaw*, Philip-lane, Adde-street, Wood-street, Chapside, London, out of business.—*Joseph Wells*, High-road, Lee, Kent, coachmaker.—*John Single*, Dunstan's-road, Stepney, Middlesex, builder.—*William A. Holmes*, Ellen-place, Battersea, Surrey, clerk in the Ordnance Office, Tower of London.—*William Thirkel*, Trafalgar-road, East Greenwich, Kent, cowkeeper.

*June 9 at 11, before Mr. Commissioner PHILLIPS.*

*Thomas Stephenson*, Calvert-street, St. George's-in-the-East, Middlesex, out of business.—*B. Gardner*, Hand-court, Holborn, Middlesex, provision dealer.—*J. Parry*, Liquepond-street, Gray's-inn-lane, Middlesex, cheesemonger.—*W. Roffe*, Kennington-green, Surrey, baker.

*June 9 at 10, before Mr. Commissioner MURPHY.*

*Thomas B. Linsey*, Lee-street, Kingland-road, Middlesex, out of business.—*Joseph Freestone*, Kemp's-row, Pimlico, Middlesex, carman.—*H. Gompertz*, Carlton-villas, Maidenhill, Middlesex, ensign in the South Hants Militia.—*Richard Hathaway*, Alfred-place, Maiden-lane, Camden-town, Middlesex, grocer.—*Joseph John Rust*, Randolph-street, Camden-town, Middlesex, tailor.—*J. Black*, John-street, Blackfriars-road, Southwark, Surrey, baker.—*T. A. Grimes*, High-st., Poplar, Middlesex, grocer.

*June 10 at 10, before the CHIEF COMMISSIONER.*

*Edmund Carter*, Charles-street, Portman-square, Middlesex, out of business.—*Wm. Randall*, New Church-street, Liongrove, and Bleinham-terrace, St. John's-wood, Middlesex, fishmonger.

June 10 at 11, before Mr. Commissioner PHILLIPS.

*John Brown*, Granville-square, Clerkenwell, Middlesex, pensioner.—*E. Barrett*, Stepney-green, Middlesex, bookseller.—*Robert A. Rüst*, Great Portland-street, Marylebone, Middlesex, pianoforte manufacturer.—*Lambert Philip Milledon*, Calford-road, North Downham-road, Kingdland, Middlesex, merchant's clerk.—*George Moss*, South-road, New-road, St. Pancras, Middlesex, general dealer.

June 12 at 11, before the CHIEF COMMISSIONER.

*R. A. Moll*, Clapton-square, Clapton, Middlesex, professor of languages.—*G. W. Collins*, Sherborne-street, Blandford-square, Middlesex, clerk.—*Edward Dornan*, Goldsmith-place, Southwark-bridge-road, Surrey, hatter.—*George L. Barnett*, Leman-street, Goodman's-fields, Middlesex, pencil manufacturer.

June 12 at 11, before Mr. Commissioner PHILLIPS.

*Thomas Oliver*, Tabernacle-walk, Finsbury, Middlesex, tailor.

Saturday, May 20.

Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—

(On their own Petitions).

*C. W. Simpson*, High-street, Peckham, Surrey, assistant to a news-vendor: in the Gaol of Surrey.—*John Dallow*, Cradley, Herefordshire, carpenter: in the Gaol of Hereford.—*Thomas Radcliff*, Bradford, Yorkshire, beer-seller: in the Gaol of York.—*Hannah Radcliff*, Darlington, Durham, farm labourer: in the Gaol of York.—*John Geary* the elder, Moss-side, near Manchester, gardener: in the Gaol of Lancaster.—*J. Nally*, Colne, Lancashire, blacksmith: in the Gaol of Lancaster.—*Wm. H. Herding*, Wantage, Berkshire, twine manufacturer: in the Gaol of Reading.—*Thomas Fox*, St. George's, Gloucestershire, general-shop keeper: in the Gaol of Bristol.—*Thomas Marshall*, Newcastle-upon-Tyne, out of business: in the Gaol of Newcastle-upon-Tyne.—*Richard Latham*, Bristol, carrier: in the Gaol of Bristol.—*Ephraim Watson*, Polstead, Suffolk, shoemaker: in the Gaol of Bury St. Edmunds.—*John Mayer*, Boddington, near Cheltenham, Gloucestershire, baker: in the Gaol of Warwick.—*John Willis*, Little Sailing, Essex, labourer: in the Gaol of Springfield.—*Joseph Reynolds*, Little Sailing, Essex, thatcher: in the Gaol of Springfield.—*James Lippard*, Northfleet, Kent, grocer: in the Gaol of Maidstone.—*Charles Maplesden*, Strood, Kent, out of business: in the Gaol of Maidstone.—*J. Fry*, Southampton, gas fitter: in the Gaol of Southampton.—*Edwin Day*, Bristol, out of business: in the Gaol of Bristol.—*John Child*, Eltham, Kent, plumber: in the Gaol of Maidstone.—*John Robinson*, Stainforth, near Doncaster, Yorkshire, wheelwright: in the Gaol of York.—*Joshua Bramall*, Saddleworth, Yorkshire, out of business: in the Gaol of York.—*S. Shaw*, Linthwaite, near Huddersfield, Yorkshire, out of business: in the Gaol of York.—*Thos. Clift* the younger, Chatham, Kent, out of business: in the Gaol of Maidstone.—*J. Dence* the younger, Brompton, Kent, retailer of beer: in the Gaol of Maidstone.—*James Gunnell*, Milton, Cambridgeshire, hay factor: in the Gaol of Cambridge.—*F. Mottram*, Birmingham, out of business: in the Gaol of Coventry.—*T. Day*, Brighton, Sussex, out of business: in the Gaol of Lewes.—*Geo. Hallam*, Northampton, brewer's agent: in the Gaol of Northampton.—*Herbert Grayson*, Liverpool, out of business: in the Gaol of Lancaster.—*Thos. Brooks*, Manchester, out of business: in the Gaol of Lancaster.—*Joshua Rhodes*, Rochdale, Lancashire, stonemason: in the Gaol of Lancaster.—*Wm. Hutchinson*, Hulme, Manchester, joiner: in the Gaol of Lancaster.—*Daniel Mellor*, Oldham, Lancashire, waste dealer: in the Gaol of Lancaster.—*John Thomas Byrom*, Blackburn, Lancashire, out of business: in the Gaol of Lancaster.—*Thos. Bull Holland*, Salford, Lancashire, surgeon: in the Gaol of Lancaster.—*Francis Bernard*, Manchester, out of business: in the Gaol of Lancaster.—*James Higgins*, Rochdale, Lancashire, out of business: in the Gaol of Lancaster.—*James Nuttall* the elder, Halliwell, near Bolton-le-Moors, Lancashire, out of business: in the Gaol of Lancaster.—*Henry Stowe*, Northgate, Blackburn, Lancashire, butcher: in the Gaol of Lancaster.—*Richard Edwards*, Liverpool, watch manufacturer: in the Gaol of Lancaster.—*J. Russell*, Sheffield, Yorkshire, woollen-dresser: in the Gaol of York.—*Henry Darwin*, Sheffield, Yorkshire, cast steel roller: in the Gaol of York.—*Joseph Lear* the younger, Dudley, Worcester-

shire, out of business: in the Gaol of Worcester.—*William Reed Board*, Pinhoe, Devonshire, dealer in butter: in the Gaol of St. Thomas-the-Apostle.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Kent, at MAIDSTONE, June 6 at 12.

*Samuel Gear*, Deptford, plumber.—*John Child*, Eltham, plumber.—*Thomas Clift* the younger, Chatham, baker.—*Jas. Lippard*, Northfleet, grocer.—*Chas. Maplesden*, Strood, out of business.—*John Dence* the younger, Brompton, licensed to sell beer by retail.

At the County Court of Essex, at CHELMSFORD, June 8 at 12.

*John Willis*, Little Sailing, labourer.—*Joseph Reynolds*, Little Sailing, thatcher.

At the County Court of Cambridgeshire, at CAMBRIDGE, June 8 at 10.

*James Gunnell*, Milton, hay factor.—*Thos. Croxford*, Elm, near Wisbeach, Isle of Ely, dealer in garden seeds.

At the County Court of Berkshire, at READING, June 8.

*Wm. Hawkins Arding*, Wantage, twine manufacturer.

At the County Court of Gloucestershire, at BRISTOL, June 8 at half-past 10.

*Richard Latham* the younger, Redcliff Hill, dealer in grindery.

At the County Court of Denbighshire, at RUTHIN, June 9 at 11.

*Charles Rowland*, Ruabon, farm bailiff.

At the County Court of Sussex, at PETWORTH, June 9 at 12.

*Wm. Mitchell*, Horsham, miller.

At the County Court of Hampshire, at SOUTHAMPTON, June 9.

*Charles Barnes*, Southampton, livery stable keeper.

At the County Court of Durham, at DURHAM, June 9.

*David Galloway*, South Shields, poulterer.—*John Laing*, Hartlepool, publican.

At the County Court of Lancashire, at LANCASTER, June 9 at 12.

*John T. Byrom*, Blackburn, out of business.—*J. Rhodes*, Rochdale, stonemason.—*Thomas Brooks*, Hulme, Manchester, out of business.—*James Higgins*, Rochdale, out of business.—*Richard Edwards*, Liverpool, watch manufacturer.—*D. Mellor*, Oldham, cotton waste dealer.—*Herbert Grayson*, Liverpool, out of business.—*William Hutchinson*, Manchester, joiner.—*James Barritt*, Bury, chemist.—*John D. Abrams*, Oldham, tailor.—*Thomas Hallenworth*, Dukinfield, near Ashton-under-Lyne, warehouseman.—*Wm. Bowles*, Burnley, out of business.—*John Geary* the elder, Longlight, near Manchester, gardener.—*John Nally*, Colne, blacksmith.—*John Parkinson*, Trawden, near Colne, out of business.—*William Taylor*, Warrington, out of business.—*D. Harrison*, Blackburn, wholesale butcher.—*James Hepkinsons*, Bury, builder.—*Samuel Sutherst*, Edenfield Tarrington, Higher End, near Bury, joiner.—*Wm. Widdicombe*, Woodside, near Liverpool, master mariner.—*F. Bernard*, Manchester, out of business.—*Thomas B. Holland*, Salford, surgeon.—*J. Wood*, Liverpool, watchmaker.—*Jane Luffrell*, Liverpool, licensed victualler.—*Roger Wilkinson*, Blackburn, grocer.—*Wm. Mellor*, Blackburn, tailor.—*John Mellor*, Blackburn, assistant to a paw-broker.—*Jacob Greenhalch*, Sheldarnlow, near Clitheroe, cotton waste spinner.—*Joseph Trevis*, Lees, near Oldham, cotton waste spinner.—*J. Barton*, St. Helens, earthenware dealer.—*William Calloway*, Ardwick, Manchester, out of business.

At the County Court of Northamptonshire, at NORTHAMPTON, June 14.

*Charles Spring*, Peterborough, baker.

TUESDAY, MAY 30.

## BANKRUPTS.

**JOHN NICHOLAS SMITH**, Jewry-street, Aldgate, London, provision merchant, dealer and chapman, June 12 and July 20 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Ashurst & Son, 6, Old Jewry.—Petition filed May 27.

**WILLIAM HENRY WEARN**, Southsea, Portsea, Southampton, grocer, wine merchant, and dealer, June 9 and July 14 at half-past 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Stigant, Portsea; J. & J. H. Linklater, 17, Sise-lane, Bucklersbury.—Petition filed March 29.

**HENRY CLARIDGE**, late of Banbury, but now of Souldern, Oxfordshire, tea and spice dealer, June 9 at 1, and July 14 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Parker & Co., 17, Bedford-row.—Petition filed May 26.

**JOHN LLOYD BULLOCK**, late of Conduit-street, Middlesex, operative chemist and druggist, and now of Rodney-wharf, Battersea, Surrey, manufacturing chemist, dealer, trader, and chapman, June 13 at 2, and July 12 at 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Moss, 23, Moorgate-street, City.—Petition filed May 29.

**GEORGE WILLIAM MERINGTON**, Edgeware-road, Middlesex, draper, June 14 and July 8 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Sale & Co., Manchester; Reed & Co., 59, Friday-street, Cheapside.—Petition dated May 27.

**HUGH LAPRAIK**, late of Swinton-street, Gray's-inn-road, but now of Harrison-street, Gray's-inn-road, Middlesex, draper, dealer and chapman, June 6 and July 11 at 2, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Cattlin, 22, Ely-place, Holborn, London.—Petition filed May 25.

**JOSEPH LAKIN**, Crawford-street, St. Marylebone, Middlesex, linendraper, dealer and chapman, June 13 at half-past 1, and July 11 at 1, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Brewer, 3, Philpot-lane, London.—Petition filed May 26.

**JOHN LAWRENCE GADD**, Whitechapel-road, Middlesex, draper, dealer and chapman, June 13 at half-past 2, and July 18 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Reed & Co., 59, Friday-street, Cheapside, London.—Petition filed May 25.

**THOMAS ADKINS**, Bedworth, Warwickshire, grocer and draper, June 10 and July 1 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Kirlup, Coventry; Motteram & Knight, Birmingham.—Petition dated May 23.

**DAVID HALSWORTH**, Liverpool, woollendraper, dealer and chapman, (carrying on business under the style of Wm. Ackroyd & Co.), June 12 and July 3 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Messrs. Gregory, Liverpool.—Petition filed May 15.

**JOHN HADFIELD**, Dukinfield, Cheshire, grocer, dealer and chapman, June 12 and July 10 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sol. Sutton, Manchester.—Petition filed May 8.

**RICHARD GRIBBELL** and **RICHARD LUSCOMBE**, Tavistock, Devonshire, wholesale grocers and merchants, June 13 and July 6 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Little & Woolcombe, Devonport; Stogdon, Exeter.—Petition filed May 24.

## MEETINGS.

**Geo. Smith**, Cumberland-row, King's-cross, Battle-bridge, Middlesex, cheesemonger, June 13 at 1, Court of Bankruptcy, London, last ex.—**John Robin Vivian**, Cheapside, London, dealer in mining shares, June 13 at half-past 1, Court of Bankruptcy, London, last ex.—**George Newman**, Stratford-place, Camden-town, Middlesex, builder, June 9 at 1, Court of Bankruptcy, London, last ex.—**James Schofield** and **Robt. Schofield**, Rochdale, Lancashire, cotton spinners, June 17 at 11, District Court of Bankruptcy, Manchester, last ex.—**D. Allen Ramsey**, Kensington Park-terrace, Notting-hill, Middlesex, builder, June 15 at 12, Court of Bankruptcy, London, aud. ac.—**E. Biven**, King William-st., City, London, watchmaker, June 15 at 11, Court of Bankruptcy, London, aud. ac.—**Wm. Livesey**, St. Alban's-terrace, Vauxhall-bridge-road, Westminster, Middlesex, smith, June 10 at half-past 12, Court of Bankruptcy, London, aud. ac.—**P. Emery**, Brighton,

Sussex, licensed victualler, June 10 at 12, Court of Bankruptcy, London, aud. ac.—**Thomas Ward**, Goswell-st., Middlesex, hosier, June 14 at 12, Court of Bankruptcy, London, aud. ac.—**James Green**, Northampton, carpenter, June 14 at 12, Court of Bankruptcy, London, aud. ac.—**Jos. Archibald Joyce**, Old Broad-street, London, merchant, June 9 at 12, Court of Bankruptcy, London, aud. ac.—**Wm. John Hich**, Waltham Abbey, Essex, draper, June 9 at half-past 11, Court of Bankruptcy, London, aud. ac.—**W. Gilbertson Lee**, Portland-st., Walworth, near Guildford-st., Surrey, salt merchant, June 9 at half-past 11, Court of Bankruptcy, London, aud. ac.—**James Paul** the elder, Portsea, Southampton, brewer, June 9 at 12, Court of Bankruptcy, London, aud. ac.—**Wm. Henry Spurr**, Liverpool, builder, June 12 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—**Thomas Alleton**, Boughton House, near Chester, drysalter, June 12 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—**Samuel Mead** and **Wm. Mead**, Liverpool, iron merchants, June 12 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—**John Greenshields** and **Matthew Strang**, Liverpool, merchants, June 13 at 12, District Court of Bankruptcy, Liverpool, aud. ac. sep. est. of **John Greenshields**.—**Henry Carter**, Liverpool, brewer, June 20 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; June 21 at 11, div.—**John Cheshire**, Hartford, Cheshire, salt manufacturer and commission agent, June 13 at 1, District Court of Bankruptcy, Liverpool, aud. ac.—**John Willis**, Liverpool, merchant, June 13 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—**James Leader**, Liverpool, joiner, June 12 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—**J. Coupe**, Preston, Lancashire, joiner, June 14 at 12, District Court of Bankruptcy, Manchester, aud. ac.; June 21 at 12, div.—**John P. Brierly**, 8, Brierly, and **G. Brierly**, Oldham, Lancashire, cotton spinners, June 22 at 12, District Court of Bankruptcy, Manchester, aud. ac.; July 6 at 12, div.—**Thomas McKenna**, Belfast, Antrim, Ireland, draper, June 14 at 12, District Court of Bankruptcy, Manchester, aud. ac.; June 30 at 12, div.—**Joseph Fial**, Sheffield, Yorkshire, shoe manufacturer, June 10 at 10, District Court of Bankruptcy, Sheffield, aud. ac.—**J. Woodham**, Tunbridge, Kent, draper, June 21 at 10, Court of Bankruptcy, London, fin. div.—**Wm. Wymark**, Mistley, near Manningtree, Essex, wharfinger, June 21 at half-past 10, Court of Bankruptcy, London, div.—**T. L. Powell**, Romsey, Hampshire, upholsterer, June 21 at 10, Court of Bankruptcy, London, div.—**Wm. Appleford** and **Frederick Joshua Appleford**, Holborn Bars, London, drapers, June 21 at half-past 10, Court of Bankruptcy, London, div. sep. est. of **F. J. Appleford**.—**J. A. C. Reimann** and **J. G. Geller**, Liverpool, merchants, June 23 at 11, District Court of Bankruptcy, Liverpool, div.—**Edmund English** and **Edmund Francis English**, Bath, auctioneers, June 29 at 11, District Court of Bankruptcy, Bristol, div. sep. est. of **E. F. English**.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

**Joseph Goble**, Shoreham, Sussex, miller, June 21 at 12, Court of Bankruptcy, London.—**Henry Wilson** the younger, Old-street-road, Middlesex, carrier, June 21 at 1, Court of Bankruptcy, London.—**Mary Browne** and **John R. Browne**, Middle-row South, Knightsbridge, Middlesex, window glass cutters, June 22 at half-past 12, Court of Bankruptcy, London.—**Thomas O'Brien Gleedah**, Leamington, Warwickshire, music seller, June 20 at half-past 12, Court of Bankruptcy, London.—**Simon Stevens**, Charlwood-place, Pimlico, Middlesex, builder, June 20 at 12, Court of Bankruptcy, London.—**Robert Williams**, Mold, Flintshire, draper, June 29 at 11, District Court of Bankruptcy, Liverpool.—**Thomas Tebbitt**, Manchester, merchant, July 6 at 12, District Court of Bankruptcy, Manchester.—**John Docker**, Bilston, Staffordshire, and Warwick, railway contractor, June 22 at 10, District Court of Bankruptcy, Birmingham.—**C. J. Taylor**, Birmingham, coal dealer, July 6 at 10, District Court of Bankruptcy, Birmingham.—**James Bough**, Kidderminster, Worcestershire, carpet manufacturer, June 22 at 11, District Court of Bankruptcy, Birmingham.—**James Howard**, Great Grimsby, Lincolnshire, and Manningtree and Mistley, Essex, shipowner, July 3 at 12, District Court of Bankruptcy, Kingston-upon-Hull.

To be granted, unless an Appeal be duly entered.

**Francis P. Becker**, Stationers'-hall-court, Paternoster-row,



London, engraver.—*Wm. G. Leo*, Portland-street, Walworth, near Guildford-street, Surrey, salt merchant.—*Lucy Martin*, Teignmouth, Devonshire, baker.—*Wm. Billings*, Rainhill, Prescott, Lancashire, stonemason.—*Joseph Perry*, Liverpool, bricklayer.—*W. Hart*, Chester, banker.—*Thomas McKenna*, Belfast, Antrim, Ireland, draper.—*Joseph Fowler*, Macclesfield, Cheshire, provision dealer.—*James Hughes*, Birkenhead, Cheshire, coal merchant.—*Joseph Horne*, Leeds, Yorkshire, dyer.—*Isaac Blackburn* and *Wm. S. Stiebel*, Leeds, Yorkshire, ironfounders.

## SCOTCH SEQUESTRATIONS.

*Robert Warrar*, Montrose, draper.—*Alexander Simpson*, Gamrie, Banffshire, merchant.—*Alexander Jamieson*, Aberdeen, tea merchant.—*Richard Curtis*, Edinburgh, musical instrument maker.—*Owen Jones Rowland*, Dundee, manufacturer.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Wm. Allport*, Aston-juxta-Birmingham, news agent, June 17 at 10, County Court of Warwickshire, at Birmingham.—*J. Wm. Allwood*, Birmingham, musician, June 17 at 10, County Court of Warwickshire, at Birmingham.—*Ebenezer Clarke*, Brighton, Sussex, surgeon-dentist, June 3 at 10, County Court of Sussex, at Brighton.—*W. Stoddard*, Brighton, Sussex, cabinet maker, June 3 at 10, County Court of Sussex, at Brighton.—*J. Holmer*, Brighton, Sussex, news agent, June 3 at 10, County Court of Sussex, at Brighton.—*Wm. How*, Brighton, Sussex, out of business, June 3 at 10, County Court of Sussex, at Brighton.—*G. Woolgar*, Beeding, Sussex, shoemaker, June 3 at 10, County Court of Sussex, at Brighton.—*T. Grimmit*, Coventry, Warwickshire, shopkeeper, July 1 at 12, County Court of Warwickshire, at Coventry.—*T. Ingram*, Coventry, Warwickshire, innkeeper, June 1 at 12, County Court of Warwickshire, at Coventry.—*Samuel Charley*, Canton, near Cardiff, Glamorganshire, labourer, June 16 at 10, County Court of Glamorganshire, at Cardiff.—*Thomas Pickles*, Bingley, Yorkshire, provision dealer, June 14 at 11, County Court of Yorkshire, at Keighley.—*W. Parker*, Newcastle-upon-Tyne, hat manufacturer, June 15 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—*George Gooden*, Newcastle-upon-Tyne, shopman, June 15 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—*Thomas Jones*, Pontypool, Monmouthshire, shoemaker, June 15 at 10, County Court of Monmouthshire, at Pontypool.—*Matthew Pomphrey*, Bristol, retailer of beer, June 22 at half-past 10, County Court of Gloucestershire, at Bristol.—*John F. Swaffield*, South Stoneham, Southampton, painter, June 9 at 10, County Court of Hampshire, at Southampton.—*James Pretty*, Reydon, Suffolk, cordwainer, June 22 at 12, County Court of Suffolk, at Halesworth.—*Isaac Cowley*, Camerton, near Hedon, Holderness, Yorkshire, wheelwright, June 9 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*G. Hudson*, Kingston-upon-Hull, Yorkshire, hair dresser, June 9 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*J. Ball*, Peterchurch, Herefordshire, out of business, June 19 at 10, County Court of Monmouthshire, at Abergavenny.—*W. H. Lawrence*, Cambridge, bookbinder, June 7 at 10, County Court of Cambridgeshire, at Cambridge.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*June 14 at 10, before the CHIEF COMMISSIONER.*

*John G. Moore*, Putney, Surrey, in no business.—*John M. Rogers*, Queen-street, Edgeware-road, Middlesex, jobbing mason.—*James Parsons*, Homerton, Hackney, Middlesex, carpenter.—*Richard Wheaton*, Claremont-terrace, Kentish-town, Middlesex, out of employ.—*Parsley Bacon*, Cambridge-road, Bethnal-green, Middlesex, cheesemonger.—*H. Tarrant*, Queen's-row, Walworth, Surrey, clerk to an attorney.

*June 14 at 10, before Mr. Commissioner MURPHY.*

*Wm. Parral*, Merton-road, Kensington New-town, Middlesex, carpenter.—*Wm. Scales*, Orchard-row, Camberwell New-road, Surrey, retailer of beer.—*W. Hayes*, High-street,

Battersea, Surrey, carpenter.—*James Freeman*, Clerkenwell-green, Clerkenwell, Middlesex, tailor.—*Henry Smith*, High-street, Stepney, Middlesex, cheesemonger.—*Benjamin Oliver*, Harcourt-buildings, Temple, London, gentleman's valet.—*Frederick Bentley*, Enfield-highway, Enfield, Middlesex, carpenter.—*Henry M. Smith*, Lambeth-hill, Old Fish-street, London, tailor.—*John Thos. Ruskin*, Field's-cottages, Mount Pleasant, Upper Clapton, Middlesex, omnibus proprietor.

*June 15 at 11, before Mr. Commissioner PHILLIPS.*

*Stephen Cook*, Poplar, Middlesex, mariner.—*Thomas Lay*, Crosby-row, Walworth-road, Surrey, milliner.—*Thomas H. Peach*, Dawson-street, Lower-road, Deptford, Kent, omnibus proprietor.—*Henry Carter*, Stafford-place, Pimlico, Middlesex, out of business.—*Henry Farren*, Brompton-square, Middlesex, comedian.—*Henry Holl*, Ely-place, Lower-road, Ball's-pond, Islington, Middlesex, retailer of beer.—*Richard K. Barnes*, Lower Brook-street, Grosvenor-square, Middlesex, surgeon.—*Wm. C. Archdeacon*, Priory-road, Priory-road, Wandsworth-road, Surrey, commission agent.—*John Walker Fisher*, Arthur-street, New Oxford-street, Middlesex, out of employ.

## Adjourned Hearing.

*Wm. H. Edwards*, Woodbine-cottage, Acton-lane, Turnham-green, Middlesex, teacher of drawing.

*Saturday, May 27.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Abraham Corbett*, Adams-row, Hampstead-road, Middlesex, shoemaker, No. 64,072 T.; Lawrence Porter and Francis W. Fawcett, assignees.—*Jeremiah Hardmeat*, Spalding, Lincolnshire, in no business, No. 72,666 C.; Benjamin A. Moscop, assignee.—*Alfred W. Cole*, Westbourne-grove North, Bayswater, Middlesex, barrister-at-law, No. 63,885 T.; George Spillman, assignee.—*Thomas Salmon*, Sussex-road, Brixton, Surrey, cab driver, No. 64,245 T.; Robert Brown, assignee.—*Charles Nichols*, Great Portland-street, Oxford-street, Middlesex, house painter, No. 64,396 T.; A. M. Job, assignee.

*Saturday, May 27.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Augustus Henry Knight*, Brompton-place, Brompton-road, Middlesex, trunk maker: in the Debtors Prison for London and Middlesex.—*Matthias H. Jacobs*, Huish-court, Waterlane, London, out of business: in the Debtors Prison for London and Middlesex.—*Henry W. Ombler*, Ludgate-hill, London, practical chemist: in the Debtors Prison for London and Middlesex.—*Yasley Wilkins*, Bridge-row, Pimlico, Middlesex, smith: in the Debtors Prison for London and Middlesex.—*Thomas S. Hay*, Charles-street, Stepney, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Edward Eley*, Union-place, City-road, Middlesex, engineer: in the Debtors Prison for London and Middlesex.—*Henry Younghusband*, Upper East Smithfield, Middlesex, ship provision dealer: in the Debtors Prison for London and Middlesex.—*David Moss Lyons*, Oval-road, Camden-town, Middlesex, out of business: in the Queen's Prison.—*Richard Blaker*, Brighton, Sussex, builder: in the Gaol of Lewes.—*Wm. Sutton*, Hastings, Sussex, carpenter: in the Gaol of Lewes.—*John Henderson*, Newcastle-upon-Tyne, tailor: in the Gaol of Newcastle-upon-Tyne.—*Wm. Hall*, Newcastle-upon-Tyne, shoe dealer: in the Gaol of Newcastle-upon-Tyne.—*Joseph H. Jenkins*, Birmingham, out of business: in the Gaol of Warwick.—*Wm. Billingsley*, Birmingham, out of business: in the Gaol of Coventry.—*Felix M. Whitehurst*, Bodegrove, Carnarvonshire, gentleman: in the Gaol of Carnarvon.—*Wm. Soley*, Ipswich, Suffolk, out of business: in the Gaol of Ipswich.—*Frederick Goodman*, Salford, Lancashire, bonnet cleaner: in the Gaol of Lancaster.—*James Hopkinson*, Bury, Lancashire, builder: in the Gaol of Lancaster.—*Joseph Barton*, St. Helen's, Lancashire, earthenware dealer: in the Gaol of Lancaster.—*Wm. Calloway*, Chancery Ardwick, Manchester, out of business: in the Gaol of Lancaster.—*W. Bowles*, Burnley, Lancashire, out of business: in the Gaol of Lancaster.—*John Wood*, Liverpool, watchmaker: in

the Gaol of Lancaster.—*James Pager*, Salford, Lancashire, grocer: in the Gaol of Lancaster.—*John Dodsworth Abrams*, Oldham, Lancashire, tailor: in the Gaol of Lancaster.—*Jos. Travis*, Milking Green, Lees, near Oldham, Lancashire, cotton waste spinner: in the Gaol of Lancaster.—*Samuel Sutherland*, Edenfield, Torrington, Higher End, near Bury, Lancashire, joiner: in the Gaol of Lancaster.—*Thos. Hallsworth*, Dukinfield Hall, Dukinfield, near Ashton-under-Lyne, Lancashire, warehouseman: in the Gaol of Lancaster.—*Jacob Greenhalch*, Shelderslow, near Oldham, Lancashire, cotton spinner: in the Gaol of Lancaster.—*W. Widdicombe*, Liverpool, master mariner: in the Gaol of Lancaster.—*William Mellor*, Blackburn, Lancashire, tailor: in the Gaol of Lancaster.—*John Mellor*, Blackburn, Lancashire, assistant to a pawnbroker: in the Gaol of Lancaster.—*Joseph Pick*, Tadcaster, Yorkshire, licensed victualler: in the Gaol of York.—*John Edge*, Tilney St. Lawrence, Norfolk, out of business: in the Gaol of Norwich.—*John Moore*, Liverpool, publican: in the Gaol of Lancaster.—*Wm. Cole*, Chorlton-on-Medlock, Manchester, builder: in the Gaol of Manchester.—*J. Boulter* the younger, Brighton, Sussex, out of business: in the Gaol of Lewes.—*James Whitehouse*, Elmley Lovett, Worcestershire, out of business: in the Gaol of Worcester.—*Joseph Thomas*, St. Nicholas, Worcestershire, ostler: in the Gaol of Worcester.—*Samuel Downing*, Birmingham, tool maker: in the Gaol of Coventry.—*Henry Green*, Kidderminster, Worcestershire, painter: in the Gaol of Worcester.—*Walter Merry*, Redditch, Worcestershire, out of business: in the Gaol of Worcester.—*G. Miller*, Abbots Bromley, Staffordshire, farmer: in the Gaol of Stafford.—*Edmund Wrigglesworth Hodgson*, Leeds, Yorkshire, out of business: in the Gaol of York.—*James Hainsworth*, Batley Carr, Yorkshire, out of business: in the Gaol of York.—*J. Barker*, Leeds, Yorkshire, licensed auctioneer: in the Gaol of York.—*J. Hammond*, Ipswich, Suffolk, baker: in the Gaol of Ipswich.—*John Stokes*, Cake-more, Halesowen, Worcestershire, nailer: in the Gaol of Worcester.—*Joseph Howfield*, Birmingham, baker: in the Gaol of Warwick.—*Wm. Blomfield*, Corpusty, Norfolk, butcher: in the Gaol of Norwich.—*William Richmond*, Leeds, Yorkshire, fruiterer: in the Gaol of York.—*Joseph Rogers*, Goole, Yorkshire, licensed victualler: in the Gaol of York.—*Rayner Harrison*, Bradford, Yorkshire, out of business: in the Gaol of York.—*Richard Whitehead*, Bradford, Yorkshire, cabinet maker: in the Gaol of York.—*John Coates*, Cheltenham, Gloucestershire, out of business: in the Gaol of Gloucester.—*Thomas Sears Binfield*, Cheltenham, Gloucestershire, teacher of music: in the Gaol of Gloucester.—*Joseph Hobson*, Leeds, Yorkshire, out of business: in the Gaol of York.—*W. Bland*, Edgerton-grove, near Huddersfield, Yorkshire, groom: in the Gaol of York.—*Geo. Spensley* the elder, Reeth-road, near Richmond, Yorkshire, out of business: in the Gaol of York.—*Joseph Jackson*, Leeds, Yorkshire, cloth dresser: in the Gaol of York.—*John Sharples*, Little Bolton, Bolton-le-Moors, Lancashire, joiner: in the Gaol of Lancaster.—*Geo. Walker*, Barlbrough, near Chesterfield, Derbyshire, beer-house keeper: in the Gaol of Derby.—*James Barrett*, Bury, Lancashire, chemist: in the Gaol of Lancaster.—*John Hirst*, Salford, Lancashire, out of business: in the Gaol of Lancaster.

(On Creditor's Petition).

*W. Frankis*, Upton St. Leonards, Gloucestershire, farmer: in the Gaol of Gloucester.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Sussex, at LEWES, June 13 at 12.*

*Richard Blaker*, Brighton, builder.—*John Boulter* the younger, Brighton, out of business.—*Thomas Day*, Brighton, out of business.

*At the County Court of Worcestershire, at WORCESTER, June 14 at 10.*

*Joseph Lear* the younger, Dudley, out of business.—*James Whitehouse*, Dodderhill, farmer.—*John Stokes*, Cake-more, Halesowen, nailer.—*Henry Green*, Kidderminster, painter.—*Walter Merry*, Redditch, out of business.—*Joseph Thomas*, Worcester, ostler.

*At the County Court of Staffordshire, at STAFFORD, June 14 at 11.*

*James Henry S. Wildsmith*, Wolverhampton, manager of

chemical works.—*George Millar*, Abbots Bromley, farmer.—*Edmund Smith* the elder, Audley, colliery agent.

*At the County Court of Gloucestershire, at BRISTOL, June 15 at half-past 10.*

*Edwin Day*, Bristol, butcher.

*At the County Court of Northumberland, at NEWCASTLE-UPON-TYNE, June 15 at 10.*

*Wm. Hall*, Newcastle-upon-Tyne, shoe dealer.—*J. Henderson*, Newcastle-upon-Tyne, tailor.—*Thos. Marshall*, Newcastle-upon-Tyne, out of business.

*At the County Court of Norfolk, at the Shirehall, NORWICH CASTLE, June 15 at 10.*

*John Edge*, Tilney, St. Lawrence, out of business.—*Wm. Blomfield*, Corpusty, butcher.

*At the County Court of Suffolk, at IPSWICH, June 16 at 9.*

*John Hammond*, Ipswich, beer-house keeper.

*At the County Court of Derbyshire, at DERBY, June 17 at 12.*

*Colin Walker*, Chapel-en-le-Frith, out of business.—*Wm. Bradshaw Gileon*, Derby, out of business.—*Samuel Goodlad*, Ashover, farmer.

*At the County Court of Warwickshire, at WARWICK, June 19 at 10.*

*John Mayer*, Boddington, near Cheltenham, baker.—*Chas. Collins*, Coventry, builder.

*At the County Court of Suffolk, at BURY ST. EDMUND, June 26 at 12.*

*Wm. Nash* the younger, Bury St. Edmunds, following no trade.—*Ephraim Watson*, Polstead, shoemaker.

*At the County Court of Warwickshire, at COVENTRY, July 1 at 10.*

*Edward Reilly*, Birmingham, poulterer.—*John Shaddock*, Studley, shoemaker.

#### MEETINGS.

*Edward Crook*, Edgworth, Lancashire, labourer, June 12 at 1, Court-house, Portugal-street, Lincoln's-inn-fields, London, pr. d.—*Wm. Eastwood*, Kirkheaton, near Huddersfield, Yorkshire, currier, June 14 at 6, Pack Horse Inn, Huddersfield, sp. aff.

#### COURT FOR RELIEF OF INSOLVENT DEBTORS IN IRELAND.

*The following Prisoners are ordered to be brought up before the Assistant Barrister for the County of Antrim, at the Court-house, in Belfast, June 27 at 9, to be dealt with according to the Statute:—*

*Cornelius M. Hughes*, Belfast, shopman.—*W. Armstrong*, Belfast, chief constable of police.—*Thomas Moore Sharp*, Belfast, commission agent.

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# The Jurist

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LONDON, JUNE 10, 1854.

THE case of *Warbutter v. Warbutter*, (17 Jur., part 1, p. 415), decided recently by Sir J. Stuart, V. C., demands particular notice, not so much in reference to its merits as a precedent, but because, while purporting to proceed upon well-established principles, it clearly departs from them, and throws doubt upon decisions of unquestionable authority. In that case the testator, by his will, dated the 28th June, 1846, gave all his real, leasehold, copyhold, and personal estate upon trust to sell and dispose of the leasehold and personal estate, and to invest the proceeds thereof, and to receive the rents, issues, and profits of the real estate, and by, with, and out of the proceeds arising therefrom to pay to his wife an annuity of 20*l.* for life; to pay Mary L. a legacy of 100*l.* and an annuity of 20*l.* for life; and, after other bequests and directions, the testator empowered his trustees "to demise, lease, set, let, and manage his said real estate, as also his leasehold estates, so as to produce the greatest rental." The assets of the testator were of the yearly value of 112*l.* The Vice-Chancellor held that the widow was not bound to elect between her dower and the provision made for her by the will. His Honor thought that the case of *Grayson v. Deakin*, (3 De G. & S. 298), decided by Sir J. L. Knight Bruce, L. J., when Vice-Chancellor, and the case of *Parker v. Sowerby*, (17 Jur., part 1, p. 752), decided by Sir R. T. Kindersley, V. C., which had been pressed against the right of the widow, proceeded upon "a complete misapprehension" of the language of Lord St. Leonards in *Hall v. Hill*, (1 Dru. & W. 94), the decision in which case, his Honor said, went upon this, "that the widow had acquired under the will a much greater provision than she was entitled to as dower, and it was held, therefore, that she was

barred of dower by a clear implication; and the learned judge satisfied himself of the intention of the testator, and of the law upon the whole subject of *amplitude of provision*, and he thought it was clearly the intention that she should not have both. But that case is far from being a decision, that the mere circumstance of a testator giving a leasing power to his trustees is enough to raise an implication of his intention to exclude his widow from her dower. . . . The whole amount of the provision made for his widow is an annuity of 20*l.*; and I find also a provision made for a stranger of exactly the same amount. So far from there being in this case the great and governing circumstance that existed in the case of *Hall v. Hill*—the provision for the widow as compared with the amount of the assets—that, instead of being an ample provision, it was such, that if put to her election, the widow would have elected to take her dower."

An examination of *Hall v. Hill* will, it is believed, shew that there has been no misapprehension of the meaning of Lord St. Leonards, on the part of Sir J. L. Knight Bruce, L. J., and Sir R. T. Kindersley, V. C. There the testator gave part of his estate to his widow, and also an annuity charged upon the whole estate, with powers of distress and entry in case of non-payment, and there was also contained in the will power "to lease, demise, or let all or any part of my estates and lands, for any term not exceeding thirty-one years;" and Lord St. Leonards, after an elaborate examination of the authorities, held that the widow was bound to elect between the provisions made for her by the will and her dower. "I am not aware how the power of leasing, in this case, can be exercised over all the estate, if the widow's right to dower be allowed. One can understand how the rents might be enjoyed, or the estate sold, subject to the

claim for dower; but how could you demise an estate subject to the right of this lady to have a third part thereof set out by metes and bounds? You cannot give her the right of dower, and yet exercise the power of leasing over the whole of the estate out of which she is to have dower." His Lordship, in effect, says that the power of leasing given to the trustees was inconsistent with the notion that the widow was to enjoy dower as set out by metes and bounds, and that it followed, therefore, as a matter of course, that she must elect between her legal right to dower out of the estate devised wholly to the trustees, and the benefits conferred upon her by the will. His Lordship then proceeds with some other observations, perhaps somewhat ambiguous, which, it is conceived, Sir J. Stuart, V. C., has understood in a sense different from what they were intended to convey. "If," continued his Lordship, "I am bound to spell out the intention of the testator, I think, looking at the whole frame of the will, that the testator meant to provide for his wife by the will. He gives her a house and the furniture; he gives her also an annuity out of the general estate; and she has acquired under the will a much greater provision than she would have been entitled to as dower in the ordinary way. That she is of this opinion is evident, because she has elected to take under the will, if required to make an election. I hold, therefore, that she is barred of dower, and that by clear implication. I have satisfied myself of the intention of the testator. I despair, as I have already said, of reconciling the authorities on this subject, but I follow what I consider the best. As, therefore, the widow has elected to take under the will, I must declare that she is barred of her claim to dower." Now, all that Lord St. Leonards meant by these concluding observations appears to be, that he had come to the conclusion, from the power of leasing being inconsistent with the widow's claim to dower, that the testator did not intend her to have it in addition to what he had given her by the will; that she had in reality taken more by the will than the law would have given to her in the shape of dower; that by the widow electing to take the provision made for her by the will, she had shewn that such was her opinion; that she was therefore barred of dower. By these observations also it is possible that his Lordship meant that no question as to *compensation* arose, the dower being of less value than what she elected to take.

Lord St. Leonards, however, himself is the best exponent of his own meaning in *Hall v. Hill*, for in the subsequent case of *O'Hara v. Chalmers*, (1 Jo. & Lat. 665), where the question as to the relative value of the widow's dower, as compared either with the testator's assets, or the benefits conferred upon her by the will, was not discussed, but in which, from the widow having elected to take dower, it may be presumed that the dower was *more valuable* than what was given to her by the will—Lord St. Leonards, as to one branch of the case, says, "*the power of leasing decides this part of the case. Taking the whole will together, I am of opinion that the widow is bound to elect. The case comes within the principle of Hall v. Hill, and I see no reason to depart from that decision.*"

It is submitted, therefore, that the view taken by Sir J. L. Knight Bruce, L. J., and Sir R. T. Kindersley, V. C., as to the decision of *Hall v. Hill*, is correct, and indeed is in accordance with the current of authorities. (See *Roadley v. Dixon*, 3 Russ. 192; *Miall v. Brain*, 4 Mad. 119; and *Taylor v. Taylor*, 1 Y. & C. C. C. 727).

Independent of authority, the decision of Sir J. Stuart, V. C., is open to grave objections. Why is the amount

of the gift conferred by the will upon the wife the test for determining whether it was the testator's intention that such gift was to be in substitution for a claim she had upon other property, which he has given to others in derogation of such claim? Even assuming that in any particular case the provision made for a wife is small, testators have a right to be, and often are, capricious. Again: a husband may know that his wife is well provided for aliunde; by his giving her, therefore, no more than a stranger, as in *Warburton v. Warburton*, he may, under peculiar circumstances, have exercised a sound discretion; although, as we have before said, he has a perfect right to be capricious.

But how are we to determine what constitutes, to use the expression of Sir J. Stuart, V. C., "amplitude of provision?" How are we to draw a line between amplitude and exility? A "competency" has been defined as "a little more than a man has got." Perhaps "amplitude of provision" may be defined with as much, but not greater, legal accuracy; and if adopted as a test, or even as "a governing circumstance," in determining the intention of a testator, it will lead to as much litigation as was occasioned by decisions as to what was an illusory and what a substantial execution of a power, upon which subject the observations of Sir W. Grant, M. R., are well worthy of perusal. (See *Butcher v. Butcher*, 9 Ves. 393).

In the report of *Warburton v. Warburton* it appears that the opinion of Sir J. Stuart, V. C., taken in chambers was in accordance with the opinion he afterwards expressed in court, viz. in favour of the widow not being put to her election. Now, a judge expressing an opinion in chambers has not the benefit of hearing the case argued before him by counsel, and may take a very decided view of a case either irrespective of, or after a full consideration of, the authorities. In the first instance it is probable that he would have a slight, in the latter a strong, though perhaps to himself insensible, leaning or bias towards the opinion he has already expressed. This practice, therefore, is liable to all the objections so ably pointed out by Lord St. Leonards, (in his Treatise on the Law of Property as administered by the House of Lords), of an appeal from a Lord Chancellor in the court below to himself alone in the House of Lords. (See p. 35). It is submitted, that whenever a point of any difficulty arises in chambers, the judge should reserve his consideration of it for full discussion in open court; or, if he decides it in chambers, the appeal should lie, not to himself, but to the Lords Justices.

## COURT OF QUEEN'S BENCH.

TRINITY TERM.—17 VICTORIA.—June 5, 1854.

This Court will, on Monday, the 19th day of June instant, and five following days, hold sittings, and will at such sittings proceed in disposing of the cases then remaining in the Special, Crown, and New Trial Papers; and will also on Friday, the 30th day of June instant, hold a sitting, and will at such sitting only give judgment in cases previously argued.

BY THE COURT.

## COURT OF EXCHEQUER.

TRINITY TERM.—17 VICTORIA.—June 5, 1854.

This Court will, on the 16th and 17th, and also on the 21st and seven following days of June instant, (Sundays excepted), hold sittings, and will at such sittings proceed in disposing of the business then pending in the New Trial and Special Papers.

FREDERICK POLLOCK.  
J. PARKER.  
E. H. ALDERSON.  
T. J. PLATT.



## REGULA GENERALIS.

## ORDER OF COURT.—June 1, 1854.

The Right Hon. ROBERT MONSEY LORD CRANWORTH, Lord High Chancellor of Great Britain, by and with the advice and assistance of the Right Hon. Sir JOHN ROMILLY, Master of the Rolls, the Right Hon. the Lord Justice Sir JAMES LEWIS KNIGHT BRUCE, the Right Hon. the Lord Justice Sir GEORGE JAMES TURNER, the Hon. the Vice-Chancellor Sir RICHARD TORIN KIDDERLEY, the Hon. the Vice-Chancellor Sir JOHN STUART, and the Hon. the Vice-Chancellor Sir WILLIAM PAGE WOOD, doth hereby, in pursuance of two acts of Parliament passed in the session of Parliament holden in the fifteenth and sixteenth years of the reign of her present Majesty, chaps. 86 and 87, and in pursuance and execution of all other powers enabling him in that behalf, order and direct—

That all and every the orders, rules, and directions hereinafter set forth shall henceforth be, and for all purposes be deemed and taken to be, General Orders and Rules of the High Court of Chancery, viz.:

I. If the fourteen days within which, pursuant to the Orders of the Court, a defendant is bound to file his affidavits in answer to a motion for a decree, or the seven days within which the plaintiff is bound to file his affidavits in reply thereto, or the nine weeks after issue joined within which the evidence in any cause to be used at the hearing thereof is to be closed, or the month after the expiration of such nine weeks within which a witness who has made an affidavit intended to be used by any party to such cause at the hearing thereof is subject to cross-examination, shall expire in the Long Vacation, the time for the several purposes aforesaid respectively is hereby extended to the fifth day of the ensuing Michaelmas Term, and is to expire on that day unless enlarged by order. Provided always, that in cases where the above-mentioned periods of fourteen days and nine weeks respectively shall be extended by virtue of this Order, the seven days within which the plaintiff is bound to file his affidavits in reply, and the month during which a witness is subject to cross-examination, shall be respectively taken to commence from the expiration of such extended period.

II. Any judge of the Court, whose chambers may be open for business during any vacation, may issue summonses for the purpose of any proceeding before the Master of the Rolls or any Vice-Chancellor at chambers after the vacation.

III. The same course of procedure as is now in use as to the production of documents ordered to be produced before the hearing of a cause, shall extend and be applied to the production of documents ordered to be produced after the hearing of any cause or matter.

IV. In all cases in which the certificate of the chief clerk is to be acted upon by the Accountant-General of the Court, without any further order, such certificate may be signed and adopted by the judge on the day after the same shall have been signed by the chief clerk, unless any party, desiring to take the opinion of the judge thereon, obtains a summons for that purpose before twelve of the clock on that day; and the time for applying to discharge or vary such certificate, when signed and adopted by the judge, is to be two clear days after the filing thereof.

V. In all cases in which any person required to be served with notice of a decree or order, pursuant to the eighth rule of the 42nd section of the act 15 & 16 Vict. c. 86, may be an infant, or a person of unsound mind not found so by inquisition, the notice is to be served upon such person or persons, and in such manner as the judge to whose court the cause is attached may direct.

VI. Guardians ad litem appointed for infants, or

persons of unsound mind not found so by inquisition, who shall be served with notice of any decree or order, are to be appointed in like manner as guardians ad litem to answer and defend are now appointed in suits on bills filed.

VII. At any time during the proceedings at any judge's chambers under any decree or order, the judge may, if he shall think fit, require a guardian ad litem to be appointed for any infant, or person of unsound mind not found so by inquisition, who has been served with notice of such decree or order.

VIII. In all cases in which notice of a decree or order shall be served, pursuant to the eighth rule of the 42nd section of the act 15 & 16 Vict. c. 86, the notice so served is to be intitled in the cause, and there is to be indorsed thereon a memorandum in the form or to the effect following—that is to say, "Take notice, that, from the time of the service of this notice, you [*or, as the case may be, the infant, or person of unsound mind*] will be bound by the proceedings in the above cause, in the same manner as if you [*or, the said infant, or person of unsound mind*] had been originally made a party to the suit; and that you [*or, the said infant, or person of unsound mind*] may, by an order of course, have liberty to attend the proceedings under the within-mentioned decree or order; and that you [*or, the said infant, or person of unsound mind*] may, within one month after the service of this notice, apply to the Court to add to the decree or order."

IX. The charges for copies of pleadings, and other proceedings and documents furnished under the General Orders of the 25th October, 1852, Order No. 1, sects. 2, 3, and 4, to a person admitted to sue or defend in formâ pauperis, or to his solicitor, by or on behalf of any other party, shall be at the rate of 1*d.* per folio. Provided always, that if such person shall become entitled to receive dices costs, the charges for such copies shall be at the rate of 4*d.* per folio; and nothing shall be allowed in taxation in respect of such charges until such person or his solicitor shall have paid or tendered to the solicitor, or party by whom such copies were furnished, the additional 2*d.* per folio. But this proviso shall not apply to any copy which shall have been furnished by the party himself who is directed to pay the costs, and not by his solicitor.

X. The charges for copies furnished by a person admitted to sue or defend in formâ pauperis, other than those furnished by his solicitor, shall be at the rate of 1*d.* per folio.

XI. Expenses incurred in consequence of affidavits being prepared or settled by counsel are to be allowed only when the Taxing Masters shall in their discretion, and on consideration of the special circumstances of each case, think such expenses properly incurred; and in such case they are to be at liberty to allow the same, or such parts thereof as they may consider just and reasonable, whether the taxation be between solicitor and client or between party and party.

XII. Any party who may be dissatisfied with the allowance or disallowance by the Taxing Master, in any bill of costs taxed by him, of the whole or any part of any item or items, may, at any time before the certificate is signed, deliver to the other party or parties interested therein, and carry in before the Master, an objection in writing to such allowance or disallowance, specifying therein, by a list in a short and concise form, the items or item, or parts or part thereof, objected to, and may thereupon apply to the Master for a warrant to review the taxation in respect of the same.

XIII. Upon the application for such warrant, or upon the return thereof, the Taxing Master is to reconsider and review his taxation upon such objection, and he may, if he shall think fit, receive further evidence in respect thereof; and if so required by either party, he is to state, either in his certificate of taxation



or by reference to such objection, the grounds and reasons of his decision thereon, and any special facts or circumstances relating thereto.

XIV. Any party who may be dissatisfied with the certificate of the Taxing Master as to any item or part of an item which may have been objected to as aforesaid, may apply to the Court by motion or petition for an order to review the taxation as to the same, and the Court may thereupon make such order as to the Court shall seem just; but the certificate of the Taxing Master shall be final and conclusive as to all matters which shall not have been objected to in manner aforesaid.

XV. Such motions and petitions are to be heard and determined upon the evidence which shall have been brought in before the Taxing Master, and no further evidence is to be received upon the hearing thereof, unless the Court shall otherwise direct.

(Signed) CRANWORTH, C.  
JOHN ROMILLY, M. R.  
J. L. KNIGHT BRUCE, L. J.  
G. J. TURNER, L. J.  
RICHD. T. KINDERSLEY, V. C.  
JOHN STUART, V. C.  
W. P. WOOD, V. C.

### London Gazettes.

FRIDAY, JUNE 2.

#### BANKRUPTS.

RICHARD GEORGE PRENTICE, High-street, Shadwell, and Tachbrook-street, Pimlico, Middlesex, grocer, dealer and chapman, June 13 and July 12 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Wilde & Co., 21, College-hill, City.—Petition filed May 23.

GEORGE EDMUND SHUTTLEWORTH, MARK HODGSON SHUTTLEWORTH, and GEORGE EDMUND SHUTTLEWORTH the younger, Poultry, London, auctioneers, dealers and chapmen, June 14 and July 12 at 2, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Crowder & Maynard, 57, Coleman-street.—Petition dated May 30.

GEORGE JAMES ROLLASON, Birmingham, brass founder and manufacturer of gas fittings, (carrying on business with Robert Turner), June 14 and July 13 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Partridge, Birmingham.—Petition dated May 19.

JAMES PALMER SHAPCOTT, Preston Plucknett, Somersetshire, wool dealer, June 8 and July 6 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Slade & Vining, Yeovil; Terrell, Exeter.—Petition filed May 29.

JAMES HOWARD, Levenshulme, near Manchester, grocer and provision dealer, dealer and chapman, June 19 and July 12 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sol. Dawson, Manchester.—Petition filed May 27.

HENRY HARTLEY, Trawden, near Colne, Lancashire, cotton and worsted manufacturer, dealer and chapman, June 14 and July 7 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sols. Rowley & Son, Manchester.—Petition filed May 18.

MONTGOMERIE GLADSTONE and JOSEPH CREEVY BOND, Manchester, general brokers and merchants, (trading under the style or firm of Gladstone, Bond, & Co.), June 15 and July 3 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Worthington & Earle, Manchester.—Petition filed May 29.

EDWARD PATESON, Preston, Lancashire, draper and hosier, dealer and chapman, June 19 and July 7 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sols. Sale & Co., Manchester.—Petition filed May 25.

JOSHUA WORMALD, Glossop, Derbyshire, shoemaker, dealer and chapman, June 14 and July 6 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sols. Sale & Co., Manchester.—Petition filed May 31.

#### MARRIAGES.

John Myles, West Raynham, Norfolk, baker, June 12 at 11,

Court of Bankruptcy, London, and. ac.—John James Harris, Cranmer-place, Waterloo-road, Surrey, brewer, June 12 at 11, Court of Bankruptcy, London, and. ac.—Vincent Deparis, Mark-lane, London, merchant, June 12 at 11, Court of Bankruptcy, London, and. ac.—Edward Carter, Murray-street, Hoxton, Middlesex, builder, June 23 at half-past 11, Court of Bankruptcy, London, and. ac.—Henry G. Mortimer, Elm-place, Maidstone-road, Lee, Kent, builder, June 20 at 2, Court of Bankruptcy, London, and. ac.—Thomas O'Brien Gleadaah, Leamington, Warwickshire, music seller, June 20 at half-past 12, Court of Bankruptcy, London, and. ac.—T. Radford, Noble-street, London, and Manchester, warehouseman, June 14 at half-past 11, Court of Bankruptcy, London, and. ac.—Simon Stevens, Charlwood-place, Pimlico, Middlesex, builder, June 20 at 12, Court of Bankruptcy, London, and. ac.—Seymour Dodd, Manchester, fustian manufacturer, June 29 at 12, District Court of Bankruptcy, Manchester, and. ac.—Cooper Ewbank, Manchester, sharebroker, dealer and chapman, June 29 at 12, District Court of Bankruptcy, Manchester, and. ac.—Thomas Marden and John Clayton, Rochdale, Lancashire, cotton manufacturers, June 29 at 12, District Court of Bankruptcy, Manchester, and. ac.—Margaret Milne, Manchester, grocer, June 29 at 12, District Court of Bankruptcy, Manchester, and. ac.—Samuel Hamilton Watson and John Kingston, Rochdale and Burnley, Lancashire, mercers, June 30 at 12, District Court of Bankruptcy, Manchester, and. ac.—John Law, Ramsden Wood, near Todmorden, and Eli Hudson, Gale, near Littleborough, Lancashire, cotton spinners, June 30 at 12, District Court of Bankruptcy, Manchester, and. ac.—Jonathan Waddington the younger, Wigan, Lancashire, draper, June 30 at 12, District Court of Bankruptcy, Manchester, and. ac.—John Harrison, Sunderland, Durham, licensed victualler, June 16 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.; June 27 at 12, div.—G. Haselock and M. B. Robson, Monkwearmouth, Durham, ship builders, June 15 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac. joint and septs.—John Grimes Upward, Lyme Regis, Dorsetshire, draper, June 13 at 1, District Court of Bankruptcy, Exeter, and. ac.; June 23 at 1, div.—Thomas Honey, Launceston, Cornwall, grocer, June 15 at 1, District Court of Bankruptcy, Exeter, and. ac.—Samuel Gubb, Exeter, innkeeper, June 13 at 1, District Court of Bankruptcy, Exeter, and. ac.; June 23 at 1, div.—Joseph Head, Exeter, silversmith, June 15 at 1, District Court of Bankruptcy, Exeter, and. ac.; June 23 at 1, div.—George Powlesland, Meeth, Devonshire, dealer in seeds, June 15 at 1, District Court of Bankruptcy, Exeter, and. ac.—T. Harris, Camborne, Cornwall, grocer, June 13 at 1, District Court of Bankruptcy, Exeter, and. ac.; June 23 at 1, div.—H. J. Rogers, Callington, Cornwall, surgeon, June 15 at 1, District Court of Bankruptcy, Exeter, and. ac.; June 23 at 1, div.—Robert Thomson, York, linendraper, June 15 at 11, District Court of Bankruptcy, Leeds, and. ac.—Wm. Brooke, Doncaster, Yorkshire, innkeeper, June 17 at 10, District Court of Bankruptcy, Sheffield, and. ac.—Robert Barr, Glasgow, Scotland, and John Sykes, Huddersfield, Yorkshire, spinning company, June 15 at 11, District Court of Bankruptcy, Leeds, and. ac.—John D. Randall and G. T. Dicks, Greek-street, Soho, Middlesex, leather sellers, June 27 at 1, Court of Bankruptcy, London, div.—John Nokes, Guildford-street, Russell-square, Middlesex, builder, June 27 at 11, Court of Bankruptcy, London, div.—James Starkey, Horseferry-road, Westminster, Middlesex, builder, June 27 at 12, Court of Bankruptcy, London, fin. div.—Thomas Lyon and Edward Lyon, Birchin-lane, London, bill brokers, June 23 at 11, Court of Bankruptcy, London, div.—Thomas Harris and John Burle, Hampstead-road, Middlesex, brewers, June 23 at 12, Court of Bankruptcy, London, div.—Thomas Oochehead and Charles Cummins, Liverpool, commission agents, June 23 at 11, District Court of Bankruptcy, Liverpool, div.—Wm. Elgood, Leicester, merchant, June 30 at 10, District Court of Bankruptcy, Nottingham, div.—John W. Rowbottom, Halifax, Yorkshire, boiler maker, June 23 at 11, District Court of Bankruptcy, Leeds, div.—Edward Harris Ruddock and Henry Elison, Bradford, Yorkshire, marble masons, June 24 at 10, District Court of Bankruptcy, Sheffield, div. joint est. and div. sep. est. of E. H. Ruddock.—G. North, Chesterfield, Derbyshire, coal dealer, June 24 at 10, District Court of Bankruptcy, Sheffield, div.—Richard Jackson and Richard Fale, Leeds, Yorkshire, engineers, June 23 at 11, District Court of Bankruptcy, Leeds, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Wm. John Warp*, Folkestone, Kent, innkeeper, June 24 at 11, Court of Bankruptcy, London.—*Charles James Mathews*, Lyceum Theatre, Strand, Middlesex, lessee of the said theatre, June 23 at 2, Court of Bankruptcy, London.—*Charles Button*, Holborn-bars, London, manufacturing chemist, June 23 at half-past 12, Court of Bankruptcy, London.—*Wm. Lloyd*, York-street, Westminster, and Great Russell-street, Covent-garden, beer-shop keeper, June 23 at 1, Court of Bankruptcy, London.—*James Y. Hulbert*, New-court, Bow-lane, London, and Upper Grange-walk, Bermondsey, Surrey, account book manufacturer, June 27 at 1, Court of Bankruptcy, London.—*Jesse Joyce*, Bolton-le-Moors, Lancashire, bookseller, June 26 at 12, District Court of Bankruptcy, Manchester.—*Edward Wilkinson*, Liverpool, tailor, June 26 at 11, District Court of Bankruptcy, Liverpool.—*Thomas Booth*, Halifax, Yorkshire, innkeeper, July 4 at 11, District Court of Bankruptcy, Leeds.—*Samuel Sharp* and *William Leaf Middleton*, Leeds, Yorkshire, printers, July 4 at 12, District Court of Bankruptcy, Leeds.—*Robert Thomson*, York, linen-draper, June 23 at 11, District Court of Bankruptcy, Leeds.—*John Brown*, Sheffield, Yorkshire, chemist, June 24 at 10, District Court of Bankruptcy, Sheffield.—*Charles Brammer*, Sheffield, Yorkshire, wood dealer, June 24 at 10, District Court of Bankruptcy, Sheffield.

To be granted, unless an Appeal be duly entered.

*Wm. Cobb*, Maidstone, Kent, builder.—*Wm. Adams*, Canterbury, Kent, miller.—*Isaac Dods*, Arthur-st. West, London, hemp merchant.—*Frederick Shove*, Eltham, Kent, grocer.—*Thos. Davis*, Rathbone-place, Oxford-st., Middlesex, export oilman.—*John Gray*, Hulme, Manchester, butcher.—*George Pearson*, Birkenhead, Cheshire, grocer.—*T. Turner*, Mosbrough, Eckington, Derbyshire, grocer.—*T. Staniforth*, Brookhill, Sheffield, Yorkshire, joiner.—*Augustus Rizzi*, Leeds, Yorkshire, looking-glass manufacturer.

## SCOTCH SEQUESTRATIONS.

*George Robertson*, Plains of Thornton, near Glammis, Forfarshire, contractor.—*John Ure & Son*, Glasgow, calendarers.—*David Baktie*, Thurso, merchant.—*Alexander Purdie*, Ardrishaig, South Knapdale, Argyllshire, innkeeper.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Wm. Howard*, West Bergholt, Essex, farmer, June 19 at 12, County Court of Essex, at Colchester.—*Thomas Walker*, Wootton near Ulceby, blacksmith, June 13 at 11, County Court of Lincolnshire, at Barton-upon-Humber.—*T. Jewell*, Tunbridge Wells, Kent, plumber, June 15 at 10, County Court of Kent, at Tunbridge Wells.—*Richard Martyr Spurge*, Halstead, Essex, tailor, June 24 at 10, County Court of Essex, at Halstead.—*Charles Charles*, Swansea, Glamorganshire, watchmaker, June 13 at 10, County Court of Glamorganshire, at Swansea.—*Isaac Dearnally*, Meltham, Almondbury, Yorkshire, woollen manufacturer, June 19 at 10, County Court of Yorkshire, at Huddersfield.—*James Munday*, Cononley, Kildwick, Yorkshire, tea dealer, June 16 at 10, County Court of Yorkshire, at Skipton.—*Wm. Sewerby*, West Jarrow, near South Shields, Durham, foreman in the crystallising department of the Jarrow Hill Chemical Works, June 22 at 10, County Court of Durham, at South Shields.—*Thos. Head*, East Edmondsley, Durham, labourer, June 19 at 10, County Court of Durham, at Durham.—*John Allen*, South Shields, Durham, publican, June 22 at 10, County Court of Durham, at South Shields.—*William Hewitt Shepherd*, Huddersfield, Yorkshire, perfumer, June 19 at 10, County Court of Yorkshire, at Huddersfield.—*Charles Metry*, Macclesfield, Cheshire, silk dyer, June 23 at 11, County Court of Cheshire, at Macclesfield.—*John Campbell*, Macclesfield, Cheshire, shoemaker, June 23 at 11, County Court of Cheshire, at Macclesfield.—*Jos. Darley*, Wolverhampton, Staffordshire, butcher, June 20 at 9, County Court of Staffordshire, at Wolverhampton.—*Edward Horrocks*, Macclesfield, Cheshire, silk manufacturer, June 23 at 11, County Court of Cheshire, at Macclesfield.—*James Hills Nunn*, Bricknacre, Woodham Ferris, Essex, wheelwright, June 20 at 12, County Court of Essex, at Maldon.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

June 16 at 10, before the CHIEF COMMISSIONER.

*Daniel Elliott*, Woolwich, Kent, and Little Party-street, Lambeth, Surrey, writer at the smithery in her Majesty's Dockyard, Woolwich.—*Wm. Ives*, Queen's-road, Kilburn, Middlesex, bricklayer.—*John Birmingham*, Sun-st., Bishopsgate-st., London, shoemaker.—*Thomas J. Watson Musgrove*, New North-street, Red Lion-square, Middlesex, attorney's clerk.—*Jas. Baster*, Primrose-st., Bishopsgate-st. Without, London, carpenter.—*Thomas Acourt*, Brewer-st., Somers-town, Middlesex, coach smith.

June 19 at 11, before the CHIEF COMMISSIONER.

*Thomas Briers*, New Brentford, Middlesex, assistant to a druggist.—*Eliza Rowe*, Arlington-st., Hampstead-road, St. Pancras, Middlesex, out of business.—*Arthur Minor Cattermole*, Robert-st., Hampstead-road, St. Pancras, Middlesex, clerk to an ironmonger.—*John Henry Arundell Crocker*, Godolphin St. Aubyn, Blandford-st., Portman-square, Middlesex, carpenter.—*Thomas Pearrett*, Murray-st., New North-road, Hoxton, Middlesex, wholesale cap milliner.—*John Dickson*, Newington-causeway, Newington, Surrey, hat maker.

The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

June 16 at 10, before the CHIEF COMMISSIONER.

*Arthur Maitland*, Warburton-villas, Loughborough-park, Brixton, Surrey, out of employment.—*Thomas Ludlam*, sen., Little Britain, London, dissenting minister.—*Edward Carter*, Manor-street, Chelsea, Middlesex, out of business.

June 16 at 10, before Mr. Commissioner MURPHY.

*Frank Baron Billam*, Hall-place, Lower Kennington-lane, Lambeth, Surrey, clerk in the Legacy Duty Office, Somerset House.—*Christopher Paswan*, Peatenhall, near Saxmundham, Suffolk, farmer.—*George Henry Green*, Oxford-street, Regent-street, Middlesex, out of business.—*J. Heilerington*, Westbourne-grove North, Bayswater, Middlesex, out of business.—*Gilbert Fowler*, Beer-lane, Tower-street, London, out of business.

June 17 at 11, before Mr. Commissioner PHILLIPS.

*Thomas Peake*, Drummond-street, Euston-square, Middlesex, out of business.

June 19 at 11, before the CHIEF COMMISSIONER.

*John Dodsworth*, Commercial-road, Lambeth, Surrey, compositor.—*David Cocksworth*, Broadway, Ladgate-hill, London, grocer.—*Thomas L. Jones*, Roupell-street, Cornwall-road, Lambeth, Surrey, compositor.—*John Buckwell*, Little Exmouth-street, Hampstead-road, Middlesex, carpenter.—*Augustus H. Knight*, Brompton-place, Brompton-road, Middlesex, trunk maker.

June 19 at 11, before Mr. Commissioner PHILLIPS.

*Thomas S. Hey*, Charles-street, Stepney, Middlesex, out of business.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Glamorganshire, at CARDIFF, June 16.

*Richard W. Cossens*, Swansea, watchmaker.

At the County Court of Suffolk, at IPSWICH, June 16 at 9.

*Wm. Soley*, Ipswich, out of business.—*George Raven*, South-town, near Great Yarmouth, gardener.—*J. Hammond*, Ipswich, baker.

At the County Court of Yorkshire, at YORK, June 19.

*John Frith*, Leeds, stonemason.—*Thomas Leadbetter*, Mirfield, attorney-at-law.—*Thomas Walker*, Sheffield, cutler.—*William T. White*, Leeds, commercial traveller.—*Edward Halliley*, Leeds, cloth finisher.—*James Crawford*, Fyo-bank, Sheffield, licensed retailer of beer.—*Thomas Ratcliff* and *Hannah Ratcliff*, Bradford, beer sellers.—*J. Barker*, Leeds, licensed hawk.—*James Hainsworth*, Batley Carr, out of business.—*Edmund W. Hodgson*, Leeds, out of business.—*William Richmond*, Leeds, fruiterer.—*Richard Whitehead*,

Bradford, cabinet maker.—*Raynor Harrison*, Bradford, out of business.—*Joshua Bramall*, Saddleworth, gentleman.—*John Robinson*, Stamford, near Doncaster, wheelwright.—*Samuel Shaw*, Linthwaite, near Huddersfield, out of business.—*James Gill*, Sheffield, joiner.—*George Spensley* the elder, Richmond, out of business.—*Joseph Pick*, Tadcaster, licensed victualler.—*Joseph Rogers*, Goole, licensed retailer of beer.

*At the County Court of Gloucestershire, at GLOUCESTER, June 19 at 10.*

*Thomas S. Binfield*, Cheltenham, teacher of music.—*John Coates*, Cheltenham, out of business.—*John William Mills*, Cirencester, musician.

*At the County Court of Warwickshire, at WARWICK, June 19 at 10.*

*Joseph H. Jenkins*, Birmingham, hosier.—*Joseph Howfield*, Birmingham, baker.

## TUESDAY, JUNE 6.

### BANKRUPTS.

**JAMES LAMERTON** and **JAMES GALSWORTHY**, Queen's-road, Peckham, Surrey, builders, June 12 and July 20 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. J. & H. Linklater, 17, Sise-lane.—Petition filed May 26.

**THOMAS POTTS**, Hove-villas, Hove, near Brighton, Sussex, carpenter and builder, June 12 and July 20 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Jones, 9, Quality-court, Chancery-lane.—Petition filed June 6.

**MARY THORNTON STEELE**, Norland-road, Notting-hill, Middlesex, licensed victualler, dealer and chapwoman, June 17 at half-past 1, and July 22 at half-past 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury.—Petition filed June 5.

**HENRY SIMMONS**, Northumberland-place, Commercial-road; High-street, Shoreditch; and Hackney-road, Middlesex, boot and shoe maker, dealer and chapman, June 16 at 2, and July 21 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Story, 36, Great James-st., Bedford-row.—Petition filed May 27.

**BENJAMIN WEST**, Fleet-st., London, and St. James's-walk, Clerkenwell, Middlesex, bookseller and bookbinder, June 17 at 1, and July 22 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. G. & G. H. Clark, 28, Finsbury-place North.—Petition filed June 2.

**EDWARD SHALLIS**, Bedford-place, Commercial-road East, and Salmon's-lane, Limehouse, Middlesex, grocer, June 13 at 2, and July 19 at 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Hill & Matthews, 1, Bury-court, St. Mary-axe.—Petition filed June 1.

**THOMAS BROOK BRIDGES STEVENS**, Pall-mall, Middlesex, bill broker and commission agent, June 20 at half-past 1, and July 18 at 1, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Emmet & Son, 14, Bloomsbury-square, London.—Petition filed May 30.

**ROBERT ALEXANDER KIRKALDY**, Fenchurch-street, London, stationer and printer, June 20 at 11, and July 18 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Wright & Bonner, 15, London-st., Fenchurch-street, London.—Petition filed June 3.

**JOHN JACOB HILL**, High Holborn, Middlesex, ironmonger, June 20 and July 18 at 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Lewis & Co., 6, Raymond-bdgs., Gray's-inn, London.—Petition filed May 27.

**JOSHUA CROWTHER** and **WILLIAM DICKINSON** the younger, Manchester, general Manchester warehousemen, (trading at Manchester in partnership with Richard Cave, as general Manchester warehousemen, under the firm of Crowther, Dickinson, & Cave), June 19 and July 7 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Herniman; Sols. J. & B. Whitworth, Manchester.—Petition filed June 5.

**WILLIAM BATE**, Manchester, baker and flour dealer, dealer and chapman, June 20 and July 19 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sol. Dawson, Manchester.—Petition filed June 1.

**LOT HAMPSON**, Dukinfield, Cheshire, beer seller, stonemason, dealer and chapman, June 19 and July 17 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sol. Slater, Manchester.—Petition filed May 27.

**RICHARD CLEMENTS**, St. John's Wharf, Milbank-street, Westminster, Middlesex, coal merchant, dealer and chapman, June 14 at 1, and July 29 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. G. & E. Hillary, 5, Fenchurch-buildings, City.—Petition dated May 18.

**ABRAHAM MOSES MARBE**, Birmingham, manufacturing chemist, June 20 and July 13 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Mottam & Knight, Birmingham.—Petition dated May 30.

**WILLIAM BURROWS**, Leicester, tailor and woollen draper, dealer and chapman, June 23 and July 11 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sol. Spooner, Leicester.—Petition dated May 24.

**JOHN SAYER**, Sheffield, Yorkshire, draper, June 17 and July 29 at 10, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sols. Pye & Co., Sheffield.—Petition dated and filed June 3.

**JAMES M'INTYRE**, North-town, Taunton, Somersetshire, nurseryman, seedsman, and landscape gardener, dealer and chapman, (carrying on business with John M'Intosh, under the style or firm of M'Intyre & M'Intosh), June 15 and July 13 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Rosmer, Taunton.—Petition filed May 30.

**THOMAS HODGSON**, Leeds, Yorkshire, draper, dealer and chapman, June 16 and July 28 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Sale & Co., Manchester; J. & H. Richardson & Co., Leeds.—Petition dated May 22.

### MEETINGS.

*John Robinson*, Hexham, Northumberland, carrier, June 27 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Thomas Lyon* and *Edward Lyon*, Birch-lane, London, stock brokers, June 17 at 1, Court of Bankruptcy, London, and ac.—*Edward Robson Arthur*, North Shields, Northumberland, shipowner, June 27 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*Thos. Ffytch*, Newcastle-upon-Tyne, Northumberland, commission agent, June 27 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; June 28 at 1, div.—*Stephen Carlton*, Darlington, Durham, coach manufacturer, June 30 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*Wm. Carter*, Malmesbury, Wiltshire, tailor, July 4 at 11, District Court of Bankruptcy, Bristol, and ac.; July 6 at 11, div.—*Richard Williams*, Bristol, undertaker, June 22 at 11, District Court of Bankruptcy, Bristol, and ac.—*Gregory Barrett* the elder and *Gregory Barrett* the younger, Kidderminster, Worcestershire, and Bath-street, Newgate-street, London, carpet manufacturers, June 27 at 10, District Court of Bankruptcy, Birmingham, and ac.—*Thomas C. Perritt*, Kingston-upon-Hull, money scrivener, June 28 at 12, District Court of Bankruptcy, Kingston-upon-Hull, and ac. and fourth and fin. div.—*Joshua Woodhead*, Almondsbury, Yorkshire, fancy woollen cloth manufacturer, June 16 at 11, District Court of Bankruptcy, Leeds, and ac.—*Wm. Chf Hulme*, High-street, Putney, Surrey, grocer, June 27 at 2, Court of Bankruptcy, London, div.—*Thos. Hamlet*, Princess-street, Leicester-square, Middlesex, goldsmith, June 27 at half-past 1, Court of Bankruptcy, London, div.—*A. Osborne*, Reading, Berkshire, linendraper, June 28 at 12, Court of Bankruptcy, London, div.—*C. Clarke*, Norwich, maltster, June 28 at half-past 12, Court of Bankruptcy, London, div.—*Francis Langan*, Chapel-place, Oxford-street, Middlesex, wine merchant, June 28 at 1, Court of Bankruptcy, London, div.—*George Pound*, Dalston, Middlesex, licensed victualler, June 28 at half-past 10, Court of Bankruptcy, London, div.—*Charles Farnsworth*, Dowgate Wharf, Upper Thames-street, London, tin-plate merchant, June 28 at 2, Court of Bankruptcy, London, fin. div.—*Edward Jones*, Strand, Middlesex, woollendraper, June 27 at half-past 12, Court of Bankruptcy, London, div.—*James Denes*, Charles-street, Berkeley-square, Middlesex, auctioneer, June 27 at 12, Court of Bankruptcy, London, fin. div.—*Thomas Robinson*, Hungerford-street, Strand, Middlesex, tallowchandler, June 28 at 11, Court of Bankruptcy, London, div.—*Charles Andrews*, Brighton, Sussex, fruiterer, June 28 at 1, Court of Bankruptcy, London, fin. div.—*Thomas Walters*, Goswell-road, Middlesex, grocer, June 27 at half-past 1, Court of Bankruptcy, London, div.—*George Langford*, Portsea, Southampton, brewer, June 27 at 12, Court of Bankruptcy, London, div.—*George Lambourn*, Taplow, Buckinghamshire, timber merchant, June 28 at 12, Court of Bankruptcy, London, div.—*Walter Levy*, White's

row, Spitalfields, Middlesex, macaroni manufacturer, June 27 at 1, Court of Bankruptcy, London, div.—*J. Clark*, Oxford, livery-stable keeper, June 27 at 2, Court of Bankruptcy, London, div.—*Richard Walter*, Coventry, Warwickshire, ribbon manufacturer, and Wood-street, Cheshire, London, warehouseman, June 28 at 2, Court of Bankruptcy, London, fin. div.—*Joseph Beaumont*, Leman-street, Whitechapel, Middlesex, engineer, June 28 at 11, Court of Bankruptcy, London, fin. div.—*Wm. Cooke*, Albert-terrace, Bow, Middlesex, miller, June 27 at half-past 12, Court of Bankruptcy, London, div.—*Michael Camfield*, Basinghall-street, London, woollen warehouseman, June 27 at 1, Court of Bankruptcy, London, fin. div.—*Thomas Harris*, West Wycomb, Buckinghamshire, chair manufacturer, June 27 at half-past 1, Court of Bankruptcy, London, div.—*Wm. Cobb*, Maidstone, Kent, builder, June 27 at 2, Court of Bankruptcy, London, div.—*Francis Hoskins*, Birmingham, wine merchant, June 28 at half-past 10, Court of Bankruptcy, London, div.—*Edward Ross*, Nottingham and Scintons, Nottinghamshire, lace cap manufacturer, June 23 at 10, District Court of Bankruptcy, Nottingham, and. ac.; June 30 at 10, div.—*Wilson Jeffries* and *John Meek*, Liverpool, merchants, June 28 at 12, District Court of Bankruptcy, Liverpool, div.—*James Shannon*, Liverpool, linendraper, June 28 at 11, District Court of Bankruptcy, Liverpool, div.—*Joseph Moss*, June 27 at 11, District Court of Bankruptcy, Liverpool, div.—*George Booth*, Bishopwearmouth, Sunderland, Durham, shipowner, June 30 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—*Charles Henry Gray*, Bath, Somersetshire, provision merchant, June 29 at 11, District Court of Bankruptcy, Bristol, and. ac.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Charles Birchall*, Maidstone, Kent, pipe manufacturer, June 28 at 2, Court of Bankruptcy, London.—*Frederick W. Wright*, Brighton, Sussex, chemist, June 30 at 1, Court of Bankruptcy, London.—*Alfred Guy*, Upper Roesman-street, Clerkenwell, Middlesex, lamp manufacturer, June 30 at 1, Court of Bankruptcy, London.—*J. Typps*, Norwich, tailor, June 30 at 11, Court of Bankruptcy, London.—*J. Matthias*, Swansea, Glamorganshire, linendraper, July 4 at 11, District Court of Bankruptcy, Bristol.—*Henry E. Harries*, Tredegar, Monmouthshire, draper, July 4 at 11, District Court of Bankruptcy, Bristol.—*Jas. Shannon*, Liverpool, linendraper, June 27 at 11, District Court of Bankruptcy, Liverpool.

*To be granted, unless an Appeal be duly entered.*

*James Cosderoy*, Hammersmith, Middlesex, omnibus proprietor.—*James Rogers*, Orchard-street, Harrow-road, Paddington, Middlesex, mason.—*Thos. Green Crofts*, Leicester, draper.—*Thos. Evans*, Manchester, ironmonger.

#### SCOTCH SEQUESTRATIONS.

*William Purcell*, Edinburgh, linendraper.—*John Gentle*, Edinburgh, teacher.—*Archibald Brown*, Glasgow, baker.—*John Simpson*, Edinburgh, baker.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Jas. Williams*, Cardiff, Glamorganshire, blockmaker, June 16 at 10, County Court of Glamorganshire, at Cardiff.—*Chas. Gale*, Eastchurch, Isle of Sheppey, Kent, lieutenant in her Majesty's Royal Navy on half-pay, June 20 at 11, County Court of Kent, at Sheerness.—*William Davison*, Holyhead, Anglesey, watchmaker, June 16 at 10, County Court of Anglesey, at Llangefni.—*Thomas Crookall*, Godmerham, Kent, builder, June 19 at 10, County Court of Kent, at Ashford.—*George Carter*, Charing, Kent, tea dealer, June 19 at 10, County Court of Kent, at Ashford.—*Wm. Browning*, Merstham, Kent, farmer, June 19 at 10, County Court of Kent, at Ashford.—*Isaac Fields*, Hythe, Kent, builder, June 19 at 10, County Court of Kent, at Ashford.—*Wm. Hale*, Chesham, Buckinghamshire, coal dealer, June 12 at 11, County Court of Buckinghamshire, at Chesham.—*Edmund Poulter*, Odiham, Southampton, butcher, June 24 at 10, County Court of Hampshire, at Basingstoke.—*John Squires*, Nailsea, Somersetshire, retailer of beer, June 29 at half-past 10, County Court of Gloucestershire, at Bristol.—*George Adams*, New Leeds, Bradford, Yorkshire, general dealer, June 21 at 11, County Court of Yorkshire, at Bradford.—*George Matthews*,

Chester, commercial traveller, June 21 at 10, County Court of Cheshire, at Chester.—*Richard Wessier Martin*, Strangeways, Manchester, superintendent of the Servants' Home, July 10 at 12, County Court of Lancashire, at Manchester.—*Benjamin Holden*, Manchester, grocer, July 10 at 12, County Court of Lancashire, at Manchester.—*J. Clarke*, Seaton, Devonshire, boat builder, June 22 at 10, County Court of Devonshire, at Axminster.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*June 21 at 10, before the CHIEF COMMISSIONER.*

*Henry Edward Cross*, Upper Smith-street, Northampton-square, Middlesex, bricklayer.—*Pearcy Sear Spencer*, Pleasant-row, Kennington-road, and High-st., Newington, Surrey, dairyman.—*Lewis Aarons*, Evershott-street, Camden-town, Middlesex, tobacconist.—*W. Shepland*, Addison-road North, Notting-hill, Middlesex, butcher.—*George Chantler*, Grove-place, Broughton, Middlesex, clerk to a lamp proprietor.—*John Edwin Gay*, Westminster-road, Surrey, wheelwright.

*June 21 at 10, before Mr. Commissioner MURPHY.*

*Ralph Fenwick*, Regent-street, Lambeth-walk, Surrey, fire-work maker.—*William Speller*, Mitford-road, Upper Holloway, Middlesex, clerk to the City Prison, Holloway.—*Benj. Brooks*, Bedford-street, Covent-garden, Middlesex, surgeon.—*James Baxter*, St. Peter-st., Lower-road, Islington, Middlesex, general-shop keeper.—*C. Dwa*, Leather-lane, Holborn, Middlesex, cheesemonger.—*M. Reily*, Union-street, Kingsland-road, baker.—*John Warren*, Trinity-street, Liverpool-road, Islington, Middlesex, out of business.—*Thiefre Canope*, Onalow-street, Vine-street, Hatton-garden, Middlesex, looking-glass maker.—*Henry Gully*, Westbourne-park-road, Paddington, Middlesex, tailor.

*June 22 at 11, before Mr. Commissioner PHILLIPS.*

*Wm. J. Matthias*, Seckford-st., St. James's, Clerkenwell, Middlesex, clockmaker.—*Wm. H. Barclay*, Britannia-row, Hoxton, Middlesex, butcher.—*William Nixon*, Ages-terrace, New-road, Wandsworth-road, Surrey, engineer.—*Henry D. Mask*, Salisbury-place, Look's-fields, Waltham, Surrey, shive turner.—*Wm. Webb*, Great Ormond-st., Bloomsbury, Middlesex, surveyor.—*Herbert Hill*, Buckingham-road, De Beauvoir-town, Kingland, Middlesex, Berlin wool manufacturer.—*R. F. Trueman*, Mall, Kennington Gravel-pits, Middlesex, out of employment.—*Sarah H. Plowman*, spinster, Westham, Essex, in no profession.

*Saturday, June 3.*

*An Assignee has been appointed in the following Case. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Wm. Thomas Plumb*, Wellington-place, Park-road, Old Kent-road, Surrey, baker, No. 64,426 T.; John Wright, assignee.

*Saturday, June 3.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Henry Holden*, Terrace, Tower-hill, London, commission agent: in the Debtors Prison for London and Middlesex.—*J. Griffith*, Eagle-street, Red Lion-square, Middlesex, glass cutter: in the Debtors Prison for London and Middlesex.—*George E. Boggis*, Pearson-street, Kingsland-road, Middlesex, grocer: in the Debtors Prison for London and Middlesex.—*C. H. Broughton*, Draycott-street, Chelsea, Middlesex, out of business: in the Queen's Prison.—*James W. Howell*, Southampton-st., Fitzroy-sq., Middlesex, manager of an insurance company: in the Debtors Prison for London and Middlesex.—*James Plummeridge* the younger, Heath-street, Hampstead, Middlesex, clerk to a merchant: in the Debtors Prison for London and Middlesex.—*Francis Finch*, Nutkin's-corner, Bermondsey-wall, Surrey, engineer: in the Gaol of Surrey.—*Archibald McDougall*, Sarah-terrace, Hill-street, Waltham, Surrey, clerk in the Admiralty: in the Debtors Prison for London and Middlesex.—*J. Neill*, Middlesex-street, Whitechapel, London, licensed victualler: in the Debtors Prison for London and Middlesex.—*John J. Knight*, John-street,

Holland-street, Blackfriars-road, Surrey, engineer: in the Gaol of Surrey.—*G. P. Levi*, Bury-street, St. James's, Middlesex, in no profession: in the Queen's Prison.—*Edward Neighbour*, Fish-street-hill, London, out of business: in the Debtors Prison for London and Middlesex.—*Ira Lawton*, Chapel-court, High-street, Borough, Surrey, engineer: in the Gaol of Surrey.—*T. Lowe*, Bradford, Yorkshire, eating-house keeper: in the Debtors Prison for London and Middlesex.—*Frederick Phillips*, Brook-terrace, Old Kent-road, Surrey, out of business: in the Gaol of Surrey.—*John Wild*, Hatfield-street, Stamford-street, Blackfriars-road, Surrey, engineer: in the Gaol of Surrey.—*George Cranstone*, Arundel-grove, King's-land, Middlesex, bricklayer: in the Debtors Prison for London and Middlesex.—*G. Tedder*, Devonshire-street, Gerrard-street, Islington, Middlesex, professor of music: in the Debtors Prison for London and Middlesex.—*Samuel Nolley*, Hawley-road, Kentish-town, Middlesex, accountant: in the Queen's Prison.—*John Nicholl*, Marine-street, Bermondsey, Surrey, engineer: in the Gaol of Surrey.

(On Creditor's Petition).

*Caleb Pizzie*, Noble-street, Cheapside, London, manufacturer: in the Debtors Prison for London and Middlesex.

*The following Prisoner is ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

June 20 at 10, before Mr. Commissioner MURPHY.

*David Moss Lyons*, Oval-road, Camden-town, Middlesex, out of business.

*The following Prisoner is ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

At the County Court of Devonshire, at EXETER, June 20 at 10.

*Wm. Read Board*, Pinhoe, dealer in butter.

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LONDON, JUNE 17, 1854.

The important subject of the measure of damages is daily receiving new illustrations in our courts of justice. It is only in comparatively recent times that questions of this nature have been brought within the domain of legal science, inasmuch as formerly it was the custom to leave them at large to the jury, whose discretion in such matters was very seldom interfered with by the Court. The jury were said to be "chancellors," who might give such damages as "the case required in equity." (2 Roll. Ab., "Trial," 703, pl. 9).

It is now, however, admitted that there are certain fixed principles by which, in a majority of cases, the jury should be regulated in their assessment of damages; that it is the duty of the judge to direct the jury upon these principles; and that if they are manifestly disregarded, the Court will interfere in order to see that right is done between the parties. The line is, doubtless, to be drawn with care, in order to prevent a usurpation by the judges of the true functions of a jury; but yet, in the greater number of instances, it can and ought to be drawn so as to be productive of advantage to the suitors and to the cause of justice. We propose briefly to consider the leading principles which may now be said to be established upon this subject. But let us first endeavour to remove one of the many erroneous impressions produced by the use of certain words, which either never had, or have ceased to have, a definite meaning. Too much weight, it appears to us, is sometimes

attached to the forms of actions as influencing the amount of damages. We hear a "wrongdoer" spoken of as if any amount of damages might properly be awarded against him; this expression is confined to defendants in actions *ex delicto*; and then further distinctions are sought to be made, sometimes without sufficient grounds, in the different species of actions *ex delicto*. Now, the fact is, that a man who wilfully breaks a contract is often as much a "wrongdoer" as one who commits an injury remediable only by an action of tort; sometimes he is more of a wrongdoer than the other, as, for instance, where confidence has been reposed in him. Again: the forms of actions do not of themselves afford any certain criteria; sometimes they are convertible in practice. Thus, where a wrong has been done, the party injured may often waive the tort, and treat the matter as one of contract: he has also frequently a choice of several actions of tort; as, for instance, if his goods are taken from him, he may, in general, sue either in *trover* or in *trespass de bonis asportatis*. In one respect, a substantial difference has been recognised between actions of *trespass* and *trover*, viz. where the article taken or converted is of a fluctuating value, and there has been a demand and refusal to deliver it at a period when it was of a higher value than it possessed when first taken. Here, if the action be *trespass*, the taking alone is the wrong, and only the value at the time of the taking can be awarded; but if it be *trover*, as the conversion is the gist of the action, and the plaintiff is entitled to the value of the article at the time of the conversion, he





may recover the value either at the time of the first conversion, or at the time of the subsequent conversion, viz. when it was demanded and refused. (See *Martin v. Porter*, 5 M. & W. 351). It is difficult, however, on principle, to see why a trespasser should be better treated than a converter of goods: in the former case, the defendant has been a wrongdoer ab initio; in the latter, he is supposed to have obtained the goods rightfully in the first instance, and then to have wrongfully appropriated them. It might be proper to give the same effect to the demand and refusal in both cases.

The true principle to be adopted in the assessment of damages is to place the party injured as near as may be in the same position as if the wrong had never been inflicted. This rule is, however, limited, on the one hand, by subordinate rules relating to the remoteness of damages; and, on the other hand, it is enlarged, in some instances, by reason of the presence of aggravating circumstances. A very clear rule has been recently laid down for the purpose of regulating the amount of damages upon a breach of contract, namely, that it should be such as naturally flows from the breach, or such as the parties may be reasonably supposed to have contemplated upon the making of the contract. (*Hadley v. Baxendale*, 9 Exch. 341; see 18 Jur., part 1, p. 358). If there has been fraud, the jury might perhaps be justified in giving damages by way of punishment on the fraudulent party. (See Code Civil, liv. 3, tit. 3, s. 1150). Wrongs inflicted independently of contract are either to property, to the person, or to personal feelings. In the first instance, the injury can be calculated with tolerable accuracy, and the amount should represent the actual pecuniary loss sustained by the party. The damages are to be compensatory, not exemplary or vindictive. If, however, there have been circumstances of fraud, malice, or oppression, the jury may, it appears, award a larger amount as punitive damages. In the two latter cases, where the injury is to the person or the feelings, the principle of compensation should still be kept in view, as far as it can be; but the standard must vary so much, according to all the circumstances, that no fixed rule can be laid down; the jury have a large discretion, which will not be interfered with by the Courts, unless the amount awarded is so excessive as to amount to a manifest injustice.

We have received an abusive letter from Mr. Wharton, attributing our review of his "Articled Clerks' Manual" to interested motives. As it does not contain a word in defence of the book, we cannot insert any part of it.

#### CODIFICATION\*.

Those who contend for what they call "*codification*," or the conversion of *all* law into a written and systematically arranged code—not like the Code Napoleon, a code without a single definition, requiring a constant reference to precedent for the meaning of all its technical terms, but a code containing within itself all that is necessary for its own interpretation, together with a perpetual provision for its own emendation and improvement"—protest against what they term the stupid blunder, that to make a code is to make new laws—that the existing laws are to be swept away, and a new set put in their place. "When we speak of expressing the law better," they say, "we mean nothing else. We ~~mean~~ alter the law in a title. We ~~mean~~ expression—to make that clear ~~that~~ distinct which is now am- ~~big~~ which is now a mass of disorder now prolix to a degree alto-

correspondent.

gether intolerable—and that easy to be known which is now almost beyond comprehension." This is a great and important work, and the opinions of those who announced it in these clear and forcible expressions are entitled to all respect. But in proportion to the vast importance of the work proposed should be the care that its nature is thoroughly understood before it is entered upon. It is easy to say, "Begin immediately—codification, like any other work, is only to be done by working at it." But then suppose we begin at the wrong end, or begin and work altogether on a false principle; and suppose, which is possible, we find some little difficulty in discovering the "men among us who can marshal disordered ideas." It is much easier to find men who can confuse and disorder ideas, both in speaking and writing, than men who can snuff and marshal them.

In a former number of THE JURIST (No. 880, vol. 17, part 2, p. 459) the reasons were stated why a code of the entire statute and common law is an impossible operation. The common law codified would no longer be common law. Doubtless many of those who call for codification would say, "So much the better;" for the common law is a vast and not very easy branch of knowledge, which Bentham, the great apostle of codification, who saw, or at least looked at, only the abuses and corruptions of the common law, (such as were exhibited in the law of evidence and the rules of pleading, which Bentham's exertions mainly tended to reform), omitted no opportunity of attacking and ridiculing; and the far greater number of the advocates of complete codification are quite content with Bentham's authority against the common law, without going further. But there is no man so learned, and what is more, so wise, who would not do well not to place implicit confidence in the infallibility of his own knowledge and his own wisdom. One of the most able and distinguished friends of Bentham, a man of an unusually powerful and clear understanding, in advocating on one occasion his views, which were, like Bentham's, in favour of a complete code, cited in support of his position the authority of Bacon. The passage he quoted was the 59th Aphorism of Bacon's *Exemplum Tractatus de Justitia Universali*, sive de Fontibus Juris, in the *De Augm. Scient.*, lib. 8:—"Quod si leges alie super alias accumulate in tam vasta excreverint volumina, aut tanta confusione laboraverint, ut eas de integro retractare, et in corpus sanum et habile redigere, ex usu sit; id ante omnia agito, atque opus ejusmodi opus heroicum esto; atque auctores talis operis, inter leges, et instauratores, rite et merito numerantur." Upon which he subjoined this remark:—"We have had a Legislature sitting during a space of 200 years from the time when Bacon announced the greatness and importance of the work of codification in those magnificent terms, and all this time the work is undone."

Now, the inference from this is, that Bacon's views on codification, as he expresses it, "*De novis digestis legum*," or "*a digest of laws*," corresponded in all points with those of the writer; whereas the aphorisms in that section of Bacon's *Tractatus*, in the 8th book of the *De Augmentis*, are little, or rather are nothing, more than a translation into Latin of what he has said in his "*Proposition*" to King James, "*touching the compiling and amendment of the laws of England*," though his meaning is much more obscurely brought out in the Latin version; which, indeed, its being a very concise abridgment of the English work may sufficiently account for.

In the 60th Aphorism, Bacon merely puts in a condensed form what he has said, in his Proposal for amending the Laws of England, respecting "the reducing or perfecting of the course or corps of the common laws." But in the 61st Aphorism he has very



distinctly expressed his opinion that a totally different mode of treatment must be adopted in the business of digesting the common law and the statute law. To place this beyond dispute, we shall here quote the 61st Aphorism:—"Omnino vero ex usu fuerit, in novo digesto legum, leges pro jure communi receptas, quæ tanquam immemorales sunt in origine sua, atque ex altera parte statuta de tempore in tempus superaddita, *seorsum* digerere et componere: cum in plurimis rebus, non eadem sit in jure dicendo, juris communis et statutorum interpretatio et administratio. Id quod fecit Tribonianus in digesto et codice."

It is to be observed that he does not mean here by the words "*digerere et componere*" what Bentham and his party mean by codification. It is clear from the whole of the context in this Tractatus, as well as in his Proposal, that he means to do no more with the common law than what was described in this journal as practicable and most desirable, namely, to expunge precedents which have been overruled or have become obsolete, and to express in clear and concise language all that is material of circumstance, decision, or dictum in those which remain.

In his English work referred to, his Proposal for amending the Laws of England, Bacon answers an objection on this very point, of the essential distinction between common law and statute law, in terms which should leave no doubt as to his opinion on the subject:—

"*Obj. IV.* Labour were better bestowed in bringing the common laws of England to a text law, as the statutes are, and setting both of them down in method and by titles.

"*Resp.* It is too long a business to debate whether '*lex scripta, aut non scripta,*' a text law, or customs well registered, with received and approved grounds and maxims, and acts and resolutions judicial, from time to time duly entered and reported, be the better form of declaring and authorising laws. It was the principal reason or oracle of Lysurgus that none of his law should be written. Customs are laws written in living tables, and some traditions the Church doth not disauthorise. In all sciences they are the soundest that keep close to particulars; and sure I am there are more doubts that rise upon our statutes, which are a text law, than upon the common law, which is no text law. But, howsoever that question be determined, I dare not advise to cast the law into a new mould. The work which I propound tendeth to pruning and grafting the law, and not to ploughing up and planting it again; for such a remove I should hold indeed for a perilous innovation."

In the number of THE JURIST above referred to have been stated the reasons against attempting to codify the common law. The process has also been pointed out which would reduce the existing thousand volumes of precedents to twenty, and would thereby "tend, more than any other measure, to facilitate and improve the practice and administration of the law." But then, in such a question, authority must go for something; and it may be objected, that the reasoning of an obscure scribe, at the best a mere lawyer, can hardly outweigh the authority of Bentham, a philosopher as well as a lawyer, and of some other celebrated names, lawyers too, and philosophers, and even statesmen besides.

Now, our answer to this objection is, that if Bentham was a lawyer and a philosopher, Bacon also was a lawyer and a philosopher; that he was at least equal to Bentham as a lawyer, and he was very much superior to him as a philosopher. And with regard to the other eminent persons who are for the codification of the entire common as well as statute law, we answer, that if they were statesmen, in addition to being philosophers and lawyers, Bacon also was a statesman, besides being a philosopher and lawyer. That Bacon's opinion was in favour of preserving the common law in the form of reports of decisions—"judicia anchoræ legum"—(De

Augm., lib. 8, c. 3, aph. 73), is shewn by the passage we have cited from the "Proposition." The following extract from the same tract will shew how he proposed to amend the records of the common law.

"This work is to be done, to use some few words, which is the language of action and effect, in this manner.

"It consisteth of two parts, the digest or recompiling of the common laws, and that of the statutes.

"In the first of these, three things are to be done—

"1. The compiling of a book '*De Antiquitatibus Juris.*'

"2. The reducing or perfecting of the course or corps of the common laws.

"3. The composing of certain introductive and auxiliary books touching the study of the laws."

After stating what is to be done in the first of these divisions, he proceeds:—

"For the second, which is the main, there is to be made a perfect course of the law in serie temporis, or year books, as we call them, from Edward I to this day. In the compiling of this course of law or year books, the points following are to be observed.

"First, all cases which are at this day clearly no law, but constantly ruled to the contrary, are to be left out; they do but fill the volume, and season the wits of students in a contrary sense of law." &c.

"Secondly, '*Homonymiæ,*' as Justinian calleth them—that is, cases merely of iteration and repetition—are to be purged away, and the cases of identity which are best reported and argued to be retained instead of the rest; the judgments, nevertheless, to be set down every one in time as they are, but with a quotation or reference to the case when the point is argued at large; but if the case consist part of repetition, part of new matter, the repetition is only to be omitted.

"Thirdly, as to the '*Antinomiz,*' cases judged to the contrary, it were too great a trust to refer to the judgment of the composers of this work to decide the law either way, except there be a current stream of judgments of later times, and then I reckon the contrary cases among cases obsolete, of which I have spoken before; nevertheless this diligence would be used, that such cases of contradiction be specially noted and collected, to the end those doubts that have been so long militant may, either by assembling all the judges in the Exchequer Chamber, or by Parliament, be put into certainty. For to do it by bringing them in question under feigned parties is to be dialiked. '*Nihil habeat forum ex scena.*'

"Fourthly, all idle queries, which are but seminaries of doubt and uncertainties, are to be left out and omitted, and no queries set down but of great doubts well debated, and left undecided for difficulty; but no doubting or upstarting queries, which, though they be touched in argument for explanation, yet were better die than to be put into the books.

"Lastly, cases reported with too great prolixity would be drawn into a more compendious report; not in the nature of an abridgment, but tautologies and impertinences to be cut off. . . . The course being thus compiled, then it resteth but for your Majesty to appoint some grave and sound lawyers, with some honourable stipend, to be reporters for the time to come, and then this is settled for all times."

Bacon adds, in a note, "This constitution of reporters I obtained of the King after I was Chancellor; and there are two appointed with 100*l.* a year a piece stipend."

On authority, then, as well as on principle, the course is clear that ought to be followed respecting the great work of digesting our law; and to have it done at once, and without sacrificing another 200 years, we have but to set about it in such a manner that the result of the labour may be a work at once concise, perspicuous, and complete.

## GENTLEMEN CALLED TO THE BAR.

The following gentlemen have been called to the degree of Barrister at Law:—

**LINCOLN'S INN.**—J. G. N. Darby, Esq., B.A.; W. W. Ladell, Esq.; E. G. A. H. Moore, Esq., B.A.; A. Bailey, Esq., M.A.; W. A. Dobie, Esq., B.A.; A. C. Elliott, Esq.; E. Fry, Esq., B.A., S.C.L.; R. J. Biron, Esq., B.A., S.C.L.; J. G. O. Dwyer, Esq.; S. Perceval, jun., Esq., B.A.; R. V. Doynes, Esq., M.A.; W. H. Perfect, Esq., LL.B.

**INNER TEMPLE.**—A. B. Purcell, Esq., B.A.; H. Rowcliffe, Esq., M.A.; B. B. Swan, Esq., B.A.; John Fell, Esq.; John Walker, Esq.; C. G. Price, Esq., M.A.; A. H. Ross, Esq., B.A.; R. J. Baker, Esq., B.A.; William Mayd, Esq.; The Hon. T. C. Bruce, M.A.; E. W. Heywood, Esq., S.C.L.; T. Oliver, Esq.; T. Baker, Esq.; W. F. Kemp, Esq.; G. C. Leech, Esq., B.A.; G. H. Cary, Esq.

**MIDDLE TEMPLE.**—William Brownrigg Elliot, Esq.; Henry Cary Dangar, Esq., B.A., Trin. Coll., Cam.; William Henry Griffiths, Esq., B.A., Worcester Coll., Oxford; Henry Arkley Eglington, Esq.; Charles Leeming, Esq.; John Francis Kellett Dillon, Esq., B.A., Corpus Christi Coll., Cam.; James Henry James, Esq.; James Charles Mander, Esq.

**GRAY'S INN.**—Kenneth Leith Sutherland, Esq.; John Holker, Esq.

## London Gazettes.

FRIDAY, JUNE 9.

## BANKRUPTS.

**WILLIAM BENNETT**, Tilney St. Lawrence, Norfolk, miller, dealer and chapman, June 15 and July 20 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Wilkin, 3, Furnival's-inn.—Petition filed June 5.

**EDWIN PRITCHARD**, Southampton, brick, lime, and cement manufacturer, dealer and chapman, June 17 at 2, and July 29 at 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Coxwell & Bassett, Southampton; J. & J. H. Linklater, 17, Sise-lane.—Petition dated June 8.

**EDMUND HENINGHEM**, Caversham, Oxfordshire, and High Wycomb, Buckinghamshire, fellmonger and dealer in wool, June 19 at 2, and July 19 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Clarke, Reading, Berkshire; Holmes, 25, Great James-street, Bedford-row.—Petition filed June 6.

**GEORGE BOWLEY MEDLEY**, Highbury-park North, Islington, Middlesex, and Great Tower-street, and Lloyd's Coffee-house, London, underwriter, trader, dealer and chapman, (in partnership with William Adam, of Great Tower-street and Lloyd's Coffee-house), June 23 and July 28 at 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury.—Petition filed June 8.

**DANIEL WARNER**, Birmingham, baker, June 19 and July 13 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Kirby, Coventry; Motteram & Knight, Birmingham.—Petition dated May 29.

**THOMAS LANGRIDGE**, Bristol, cook and confectioner, dealer and chapman, June 20 and July 17 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Brittan, Bristol.—Petition filed June 3.

**JOSEPH COOPER**, Liverpool, and Birkenhead, Cheshire, ironmonger, June 22 and July 13 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Lowndes & Co., Liverpool.—Petition filed June 6.

**SAMUEL WALTON**, Macclesfield, Cheshire, silk manufacturer and publican, dealer and chapman, June 21 and July 12 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Parrott & Co., Macclesfield.—Petition filed May 31.

**SAMUEL BARNES**, Werneth Iron Works, Oldham, Lancashire, machine maker, dealer and chapman, June 20 and July 13 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sols. Brown & Lither, Oldham.—Petition filed May 31.

## MEETINGS.

**Thomas Harris**, West Wycomb, Buckinghamshire, chair manufacturer, June 21 at 11, Court of Bankruptcy, London, last ex. and aud. ac.—**James Green**, Northampton, carpenter, June 19 at 12, Court of Bankruptcy, London, last ex.—**Nicholas Kennedy**, Shudehill, Manchester, ivory turner, June 21 at 12, District Court of Bankruptcy, Manchester, last ex.—**John Stapp**, Snow-hill, London, wholesale cheesemonger, June 20 at 11, Court of Bankruptcy, London, and ac.; June 30 at 11, div.—**George Lambourn**, Taplow, Buckinghamshire, timber merchant, June 21 at 12, Court of Bankruptcy, London, and ac.—**Charles E. Reinhard**, Rochester, Kent, coal merchant, June 22 at 1, Court of Bankruptcy, London, and ac.—**William Cobb**, Maidstone, Kent, builder, June 21 at 2, Court of Bankruptcy, London, and ac.—**Thomas Walters**, Goswell-road, Middlesex, grocer, June 21 at half-past 1, Court of Bankruptcy, London, and ac.—**George Coode**, Victoria-street, Westminster, Middlesex, patent irrigator and hose manufacturer, June 21 at 2, Court of Bankruptcy, London, and ac.—**Wm. H. Dean**, Fleet-st., London, auctioneer, June 19 at 1, Court of Bankruptcy, London, and ac.—**F. Hellyer**, New Brompton, near Chatham, Kent, wood carver, June 22 at 11, Court of Bankruptcy, London, and ac.—**George Hartshorne** and **George Hartshorne** the younger, Great Dover-street, Southwark, Surrey, ironmonger, June 30 at 2, Court of Bankruptcy, London, and ac.—**John Typle**, Norwich, tailor, June 30 at 11, Court of Bankruptcy, London, and ac.; July 4 at 12, div.—**George Battcock**, Brighton, Sussex, apothecary, June 30 at 12, Court of Bankruptcy, London, and ac.—**Frederick W. Wright**, Brighton, Sussex, chemist, June 30 at 1, Court of Bankruptcy, London, and ac.—**Alfred Guy**, Upper Rosomon-street, Clerkenwell, Middlesex, lamp manufacturer, June 30 at 1, Court of Bankruptcy, London, and ac.—**Thomas Wilkinson**, Openshaw, Lancashire, builder, June 21 at 12, District Court of Bankruptcy, Manchester, and ac.; July 5 at 12, div.—**H. Hillier** the younger, Birkenhead, Cheshire, innkeeper, June 22 at 11, District Court of Bankruptcy, Liverpool, and ac.—**Thomas Oocleshead** and **Charles Cummins**, Liverpool, general merchants, June 22 at 11, District Court of Bankruptcy, Liverpool, and ac.—**James Hughes**, Birkenhead, Cheshire, coal merchant, June 22 at 11, District Court of Bankruptcy, Liverpool, and ac.—**Richard Jackson** and **Richard Yal**, Leeds, Yorkshire, engineers, June 22 at 11, District Court of Bankruptcy, Leeds, and ac.—**John Whitaker Rowbottom**, Halifax, Yorkshire, boiler maker and millwright, June 22 at 11, District Court of Bankruptcy, Leeds, and ac.—**William Crueshaw**, Wakefield, Yorkshire, draper, July 11 at 11, District Court of Bankruptcy, Leeds, and ac. and div.—**Wm. Clarkson**, Redcross-street, London, boot manufacturer, July 4 at 1, Court of Bankruptcy, London, fin. div.—**L. Worms** and **M. Worms**, Queen-street, Cheapside, London, merchants, July 3 at 12, Court of Bankruptcy, London, div. sep. ests.—**H. Shead**, Witham, Essex, miller, July 3 at half-past 2, Court of Bankruptcy, London, div.—**G. F. Jones**, East Ilale, Berkshire, surgeon, July 4 at 1, Court of Bankruptcy, London, div.—**C. J. D. Campbell**, College-street, Camdentown, and John-street, Adelphi, Middlesex, and Bolton-terrace, Edward-street, Walworth, Surrey, builder, July 4 at 1, Court of Bankruptcy, London, div.—**F. Vines**, Greenwich, Kent, and **Thos. Kitelee**, Chesam, Buckinghamshire, miller, July 3 at 2, Court of Bankruptcy, London, div. sep. est. of **Thomas Kitelee**.—**R. Williams**, Mold, Flintshire, draper, June 30 at 11, District Court of Bankruptcy, Liverpool, div.—**Henry Hudson**, Heaton Fold, Marsh, Huddersfield, Yorkshire, cattle dealer, June 30 at 11, District Court of Bankruptcy, Leeds, div.—**George Hevelock** and **Matthew Benjamin Robson**, Monkwearmouth, Durham, ship builders, July 3 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, div. joint est.; at half-past 12, div. sep. est. of **George Hevelock**; at 1, div. sep. est. of **Matthew Benjamin Robson**.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

**Joseph Vince**, Great Yarmouth, Norfolk, boot maker, July 5 at 11, Court of Bankruptcy, London.—**Michael B. Lee**, Brighton, Sussex, jeweller, July 5 at half-past 11, Court of Bankruptcy, London.—**George Jarrett**, Wickham Welford, Berkshire, builder, July 5 at 12, Court of Bankruptcy, London.—**George Lawrence**, Abingdon, Berkshire, saddler, June 30 at 12, Court of Bankruptcy, London.—**Richard Kelly**,

Ladbroke-terrace, Notting-hill, Middlesex, merchant, July 5 at half-past 12, Court of Bankruptcy, London.—*Henry G. Mortimer*, Elm-place, Maidstone-road, Lee, Kent, builder, July 3 at 12, Court of Bankruptcy, London.—*P. Leicester*, Birch-in-lane, Cornhill, London, iron merchant, July 3 at 1, Court of Bankruptcy, London.—*Mary Long*, Clifton, Bristol, hotel keeper, July 4 at 11, District Court of Bankruptcy, Bristol.

*To be granted, unless an Appeal be duly entered.*

*Edward Brock*, Sackville-st., Piccadilly, Middlesex, tailor.—*Henry H. King*, Bristol, bookseller.—*Wm. Birkett*, Manningham, Bradford, Yorkshire, soap manufacturer.—*William Crawshaw*, Wakefield, Yorkshire, draper.—*Joseph Flint*, Sheffield, Yorkshire, shoemaker.—*E. Shaw*, Birmingham, pocket-book maker.—*John Hunter*, Fazeley, Staffordshire, tape manufacturer.—*Edwin Cottrill*, Redditch, Worcestershire, draper.

#### PARTNERSHIPS DISSOLVED.

*James Jenkyn* and *Osborn Augustus Jenkyn*, John-street and Buckingham-street, Adelphi, Middlesex, and Sherborne-lane, City, solicitors, attorneys, and conveyancers.—*H. Wordsworth* and *Thomas Dunn*, lately of Threadneedle-street, and since at the South Sea House, Threadneedle-street, London, attorneys-at-law, solicitors, and conveyancers, (under the firm of Wordsworth & Dunn, and formerly carried on in partnership with Ralph Dunn, since deceased, under the firm of Dunn, Wordsworth, & Dunn).—*Edward Barret* and *J. M. Barret*, Otley and Leeds, Yorkshire, attorneys and solicitors, (under the style or firm of E. & J. M. Barret).

#### SCOTCH SEQUESTERATIONS.

*Miller, Blair, & Co.*, Paisley, calico printers.—*Wood, Taylor, & Co.*, Glasgow, merchants.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Jonathan Beckett*, Liverpool, beerseller, June 12 at 10, County Court of Lancashire, at Liverpool.—*Isaac Whiteley*, Oldham, Lancashire, machine maker, June 16 at 11, County Court of Lancashire, at Oldham.—*Charles Stott*, Moorhey, near Oldham, Lancashire, dealer in cotton waste, June 16 at 10, County Court of Lancashire, at Oldham.—*C. J. Gwinn*, Birmingham, baker, June 17 at 10, County Court of Warwickshire, at Birmingham.—*Rebecca Green*, Bitton, Gloucestershire, retailer of beer, June 15 at half-past 10, County Court of Gloucestershire, at Bristol.—*William H. Mowhay*, Bristol, driver of an omnibus, June 15 at half-past 10, County Court of Gloucestershire, at Bristol.—*Edmund Cooper*, Mileham, Norfolk, beer-house keeper, June 22 at half-past 10, County Court of Norfolk, at East Dereham.—*James Graham*, Blackburn, Lancashire, grocer, June 26 at 11, County Court of Lancashire, at Blackburn.—*Theodosia Bailey*, Wolverhampton, Staffordshire, provision dealer, June 20 at 9, County Court of Staffordshire, at Wolverhampton.—*The Rev. T. Dixon*, Tisbury, Norfolk, clerk, June 21 at 12, County Court of Norfolk, at Wymondham.—*Robert Davey*, Crediton, Devonshire, innkeeper, July 3 at 10, County Court of Devonshire, at Crediton.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*June 23 at 10, before the CHIEF COMMISSIONER.*

*Wm. F. B. Shed*, High Holborn, Middlesex, manager of an exhibition.—*John Lever*, Newland-street, Kensington, Middlesex, out of business.

*June 26 at 11, before the CHIEF COMMISSIONER.*

*George Turworth*, Great Grimsby, Lincolnshire, machine sawyer.—*Matthew Downton*, High-street, Poplar, Middlesex, boot maker.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*June 23 at 10, before the CHIEF COMMISSIONER.*

*William Arton*, Upper Park-street, Islington, Middlesex, general commission merchant.—*Faasley Wilking*, Bridge-row, Pimlico, Middlesex, smith.—*John P. Somers*, Cambridge-st., Eccleston-square, Pimlico, Middlesex, in no profession.

*June 23 at 10, before Mr. Commissioner MURPHY.*

*Charles William Simpson*, High-street, Peckham, Surrey, assistant to a newsvender.—*Christopher Musgrave*, Upper Eaton-street, Pimlico, Middlesex, clerk in the Irish office.

*June 24 at 11, before Mr. Commissioner PHILLIPS.*

*George Bristow*, Bedfordbury, Covent-garden, Middlesex, builder.—*John Swindell*, Upper Berkeley-street, Portman-square, Middlesex, baker.—*Thomas Robert Cooper* the elder, Park-row, Knightsbridge, Middlesex, mechanical modeller.—*Jas. Izod*, Penton-place, Walworth, Surrey, out of business.

*June 26 at 11, before the CHIEF COMMISSIONER.*

*Geo. Jones*, Queen's-place, New North-road, Lower-road, Islington, Middlesex, surgeon.—*Jas. W. Howell*, Southampton-street, Fitzroy-square, Middlesex, manager to the Realm Insurance Company.—*Joseph Russell*, Stangate-street, Westminster-bridge-road, Surrey, out of business.

*June 26 at 11, before Mr. Commissioner PHILLIPS.*

*Henry John Hirst*, Conduit-street West, Westbourne-terrace, Hyde Park, Middlesex, gentleman.—*Henry Hoptown Sadler*, Red Lion-passage, Red Lion-square, Middlesex, attorney's clerk.—*John Tyler*, High-street, New Hampton, Middlesex, licensed hawk.—*Matthias Hytch Jacobs*, Hush-court, Water-lane, Blackfriars, London, out of business.—*H. James Story*, Piccadilly, Middlesex, in no trade.

*Saturday, June 3.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Thomas Taylor*, Southampton, out of business: in the Gaol of Southampton.—*Thomas Taylor* the younger, Southampton, out of business: in the Gaol of Southampton.—*Joseph E. Cheetham*, Salford, Lancashire, painter: in the Gaol of Lancaster.—*Thomas Dixon*, Swindon, Wiltshire, baker: in the Gaol of Bristol.—*J. H. Packer*, Bristol, licensed victualler: in the Gaol of Bristol.—*John Barnes*, Walmer, Kent, sutler: in the Gaol of Maidstone.—*Richard Boyell*, Nottingham, plumber: in the Gaol of Nottingham.—*Wm. O. Clark*, Stratford, West Ham, Essex, corn dealer: in the Gaol of Springfield.—*Thomas Newell*, Thaxted, Essex, out of business: in the Gaol of Springfield.—*M. Radcliffe*, Manchester, out of business: in the Gaol of Lancaster.—*Edward Barrow*, Manchester, out of business: in the Gaol of Lancaster.—*Joseph H. Goddard*, Southport, Lancashire, out of business: in the Gaol of Lancaster.—*Enoch Hough*, Manchester, wheelwright: in the Gaol of Lancaster.—*H. Monks*, Liverpool, out of business: in the Gaol of Lancaster.—*Edward Potter*, Manchester, yarn dealer: in the Gaol of Lancaster.—*Ralph Unsworth*, Wigan, Lancashire, out of business: in the Gaol of Lancaster.—*Elizabeth Wrigley*, Eccles, near Manchester, out of business: in the Gaol of Lancaster.—*J. R. Simpson*, Sheffield, Yorkshire, out of business: in the Gaol of York.—*Joseph Green*, Sheffield, Yorkshire, butter factor: in the Gaol of York.—*Benjamin Atkinson*, Leeds, Yorkshire, builder: in the Gaol of York.—*Wm. Smith*, Plaistow, Essex, builder: in the Gaol of Springfield.—*E. Millard*, Southampton, out of business: in the Gaol of Southampton.—*George Barker*, Toxteth-park, Liverpool, out of business: in the Gaol of Lancaster.—*J. Spencer*, Manchester, manager of a cotton mill: in the Gaol of Lancaster.—*Robert Tinker*, Manchester, out of business: in the Gaol of Lancaster.—*James Whitworth*, Heywood, near Bury, Lancashire, tailor: in the Gaol of Lancaster.

*(On Creditor's Petition).*

*Mary Meakin*, Winterley, near Sandbach, Cheshire, farmer: in the Gaol of Chester.

*County Court of Lancashire, at Lancaster. Assignees have been appointed in the following Cases:—*

*Benjamin Brown*, Bolton-le-Moors, licensed victualler, No. 78,011; *Richard Walwork*, assignee.—*Joseph M. Knight*, Salford, out of business, No. 78,031; *Edward Handford*, assignee.—*Edw. Turton*, Sheffield, Yorkshire, out of business, No. 77,965; *Jas. Hampson Gartaide*, assignee.—*Christopher Bibby*, Over Darwen, shoemaker, No. 78,013; *William Jardine*, assignee.—*John Speakman*, Bolton-le-Moors, sausage manufacturer, No. 78,012; *William Peat*, assignee.—*William Radcliffe*, Oldham, assistant to a woollen rag dealer, No. 77,946; *Edwin Barlow*, assignee.—*John M. Carthy*, Manchester, grocer, No. 78,014; *Ebenezer Turnbull*, assignee.—*John Hurst*, Bolton-le-Moors, joiner, No. 78,028; *Robert Bewick*, assignee.—*John Heath*, Gorton Brook, near Manchester, retail beerseller, No. 78,035; *William M'Kensie*,

assignee.—*Alfred Whaley Sanderson*, Lancaster, tea dealer, No. 78,096; Edward Johnson, assignee.—*Henry Atharley*, Manchester, out of business, No. 78,007; Thomas Smith, assignee.—*Robert Parkinson*, Preston, out of business, No. 78,103; William Welch and George Tait, assignees.—*Hugh Fulton*, Rusholme, near Manchester, out of business; No. 77,941; Thomas Chesters, assignee.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Lancashire, at LANCASTER, June 23 at 12.*

*Joseph Houghton Goddard*, Southport, out of business.—*Henry Stowe*, Blackburn, butcher.—*Ralph Unsworth*, Wigan, out of business.—*Fred. Goodman*, Salford, bonnet cleaner.—*Elizabeth Wrigley*, Eccles, near Manchester, out of business.—*James Whitworth*, Heywood, near Bury, tailor.—*James Payer*, Salford, grocer.—*John Hirst*, Salford, out of business.—*Hezekiah Monks*, Liverpool, out of business.—*J. Moore*, Liverpool, publican.—*Edward Billman*, Manchester, out of business.—*Moses Ratcliffe*, Manchester, out of business.—*J. Spencer*, Manchester, manager in a cotton mill.—*E. Barrow*, Manchester, out of business.—*Edward Potter*, Pendlebury, near Manchester, yarn dealer.—*Enoch Hough*, Manchester, wheelwright.—*George Barker*, Liverpool, out of business.—*George Yates*, Manchester, manager to a fustian shearer.—*Richard Walton*, Briercliffe-with-Entwistle, near Burnley, labourer.—*James Schofield*, Manchester, provision dealer.—*George Elliott*, Preston, bookseller.

*At the County Court of Herefordshire, at HEREFORD, June 22 at 10.*

*Thomas Pitt*, Brampton Abbots, lawyer.—*John Dallow*, Cradley, carpenter.

*At the County Court of Gloucestershire, at BRISTOL, June 22 at half-past 10.*

*Thomas Fox*, St. George, general-shop keeper.—*Thomas Dixon*, Swindon, Wiltshire, licensed victualler.

*At the County Court of Somersetshire, at TAUNTON, June 23.*

*Wm. Stark*, Mark, near Bridgewater, cheese factor.

*At the County Court of Hampshire, at SOUTHAMPTON, June 23.*

*J. Fry*, Southampton, gasfitter.—*T. Taylor*, Southampton, out of business.—*Thomas Taylor* the younger, Southampton, out of business.

*At the County Court of Lancashire, at MANCHESTER, June 26 at 12.*

*Wm. Cole*, Choriton-on-Medlock, Manchester, joiner.

*At the County Court of Oxfordshire, at OXFORD, July 1 at 10.*

*Henry Lovelock*, Banbury, upholsterer.

#### MEETING.

*Wm. Scrafton*, prisoner in Lancaster Castle, July 3 at 11, at Yates's, jun., Liverpool.

### TUESDAY, JUNE 13.

#### BANKRUPTS.

**SAMUEL POTTS**, (and not **THOMAS POTTS**, as before advertised), Hove-villas, Hove, near Brighton, Sussex, carpenter and builder, June 20 at 12, and July 20 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Jones, 9, Quality-court, Chancery-lane.—Petition filed June 6.

**GEORGE BUTLER**, late of Nicholas-lane, Lombard-street, London, auctioneer, formerly of Wellington-chambers, London-bridge, Surrey, wine merchant, June 22 at half-past 1, and July 20 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Butler, Tooley-st.—Petition filed June 9.

**HUGH BARCLAY**, Liverpool, commission agent, dealer and chapman, (trading under the style or firm of Hugh Barclay & Co., and formerly carrying on business with William Craies and Alexander Dennistoun, at Liverpool, as merchants and commission agents, under the firm of Barclay, Dennistoun, & Co., and at the same time at Glasgow, under the firm of Dennistoun, Craies, & Barclay, and at New York, United States of America, under the firm of Alexander Dennistoun & Co.), June 26 at 12, and July 24 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sol. Yates, junior, Liverpool.—Petition filed June 6.

**JOHN ALLEN**, Courthorpe-terrace, Bermondsey New-road, and York-place, Kent-street-road, Surrey, grocer and tea dealer, dealer and chapman, June 22 at 11, and July 20 at half-past 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. May, 2, Princes-street, Spitalfields.—Petition filed June 12.

**WILLIAM SPELLER**, Warwick-road West, Paddington, Middlesex, builder, June 19 at 2, and July 19 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Vaughan, 19, Porteus-road, Paddington.—Petition filed June 10.

**WILLIAM ADAM**, Great Tower-street, London, merchant, dealer and chapman, also of Lloyd's, City, underwriter, June 21 at 11, and July 19 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Lawrance & Co., Old Jewry-chambers.—Petition filed June 12.

**THOMAS ROBINSON WARD**, Wisbeach St. Peter, Cambridgeshire, scrivener, dealer and chapman, June 23 and July 28 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Watson, Wisbeach; Chubb & Co., 14, South-square, Gray's-inn.—Petition filed June 12.

**JOHN GREATWOOD**, Birmingham, confectioner, fruiterer, dealer and chapman, June 27 at 12, and July 20 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Brown, Birmingham.—Petition dated June 12.

**THOMAS STONE BESLEY**, Tiverton, Devonshire, grocer, June 22 and July 20 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Partridge, Tiverton; Head & Venn, Exeter.—Petition filed June 10.

**OBADIAH WILLANS** and **HENRY RAWSON**, Leeds, Yorkshire, cloth merchants and manufacturers, June 30 and July 28 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Payne & Co., Leeds.—Petition dated June 9.

**JAMES RANKIN**, Liverpool, wholesale clothier, June 26 and July 17 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Anderson & Collins, Liverpool; Sale & Co., Manchester.—Petition filed June 10.

**WILLIAM WILKINSON RAWLING**, **SAMUEL RAWLING**, and **JOHN RAWLING**, Manchester, curriers and leather dealers, (trading under the style or firm of William Wilkinson Rawling & Co.), June 23 and July 14 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Her-naman; Sols. Barker, Huddersfield; Bellhouse & Bond, Manchester.—Petition filed June 3.

#### MEETINGS.

*Charles Button*, Holborn-bars, London, operative chemist, June 23 at half-past 12, Court of Bankruptcy, London, and ac.—*George North*, Chesterfield, Derbyshire, corn dealer, June 24 at 10, District Court of Bankruptcy, Sheffield, and ac.—*Edward Harris Ruddock* and *Henry Edson*, Bradford, Yorkshire, marble masons, June 24 at 10, District Court of Bankruptcy, Sheffield, and ac. joint est., and aud. ac. sep. est of *Edward H. Ruddock*.—*Thomas Booth*, Halifax, Yorkshire, innkeeper, July 4 at 11, District Court of Bankruptcy, Leeds, and ac.; at half-past 11, div.—*Mary Long*, Clifton, Bristol, hotel keeper, July 6 at 11, District Court of Bankruptcy, Bristol, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Henry James Rogers*, Callington, Cornwall, surgeon, July 6 at 1, District Court of Bankruptcy, Exeter.—*Francis W. Robinson*, Southport, Lancashire, printer, July 5 at 11, District Court of Bankruptcy, Liverpool.—*Thos. Hughes*, Wadnesbury, Staffordshire, innkeeper, July 6 at 10, District Court of Bankruptcy, Birmingham.—*Harry Winton*, *Harry John Langridge Winton*, and *Edwin William Winton*, Birmingham, agricultural implement makers, July 13 at 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*John Berghiel*, Winchester-buildings, London, merchant.—*Henry Groom*, Bray, Berkshire, miller.—*William Rhodes*, Alderagate-street, London, tea dealer.—*P. Emery*, Brighton, Sussex, licensed victualler.—*Wm. Turner*, Crewkerne, Somersetshire, carrier.—*John F. Thynne*, Tavistock, Devonshire, dealer in musical instruments.—*Isaac Steane*, Coventry, Warwickshire, ribbon manufacturer.—*S. Meredith*, Birmingham, draper.

#### SCOTCH SEQUESTRATIONS.

*Wm. Wilson*, Dundee, general merchant.—*Henderson & Petersen*, Glasgow, builders.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Thomas B. Wedgwood*, Higher Belington, Cheshire, riding master, June 23 at 10, County Court of Cheshire, at Birkenhead.—*John Kenrick*, Southsea, Wrexham, Denbighshire, innkeeper, June 27 at 10, County Court of Denbighshire, at Wrexham.—*Edward Brookes*, Southsea, Wrexham, Denbighshire, carpenter, June 27 at 10, County Court of Denbighshire, at Wrexham.—*Robert Hughes*, Brymbo, Wrexham, Denbighshire, machineman, June 27 at 10, County Court of Denbighshire, at Wrexham.—*John Courtenay*, Bristol, dealer in meat, July 20 at half-past 10, County Court of Gloucestershire, at Bristol.—*John Hollister*, Bristol, carpenter, June 29 at half-past 10, County Court of Gloucestershire, at Bristol.—*Hugh I. Easton*, Sheffield, Yorkshire, joiner, July 5 at 12, County Court of Yorkshire, at Sheffield.—*James Quarterman*, New Hinksey, Berkshire, carpenter, July 1 at 10, County Court of Oxfordshire, at Oxford.—*T. J. P. Masters*, Shottisham, Suffolk, retired commander in the royal navy, June 23 at 2, County Court of Suffolk, at Woodbridge.—*James Hill*, Painswick, Gloucestershire, tiler, July 12 at 10, County Court of Gloucestershire, at Stroud.—*John Thornevell*, Netherton, near Dudley, Worcestershire, jobbing fitter, June 27 at 9, County Court of Worcestershire, at Dudley.—*William H. Thornevell*, Netherton, near Dudley, Worcestershire, engineer, June 27 at 9, County Court of Worcestershire, at Dudley.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*June 28 at 10, before Mr. Commissioner MURPHY.*

*Thomas Henry Brown*, Culford-road, De Beauvoir-town, Kingland, Middlesex, warehouseman.—*Isabella M. Fisher*, Everett-street, Brunswick-square, Middlesex, out of business.—*Samuel Commins*, Thornhill-crescent-road, Caledonian-rd., Middlesex, out of business.—*Wm. Hazel*, Wells-street, Oxford-street, Middlesex, greengrocer.—*Mary Ann Hill*, widow, Parnas-street, Tottenham-court-road, Middlesex, out of business.—*Thomas R. Brannwhite*, Rutland-street, Hampstead-road, Middlesex, assistant to an outfitter.—*George Read*, Wakefield-street, Regent-square, Middlesex, out of business.—*Alfred Scholey*, Aberdeen-place, St. John's-wood-road, Middlesex, out of employment.—*Charles Walter*, Bishop's-place, Fulham-road, Middlesex, shoemaker.—*T. Rawbone*, Friar-street, Blackfriars-road, Surrey, carpenter.—*John Wm. Burrows*, Church-street, Hackney, Middlesex, baker.

*June 29 at 11, before Mr. Commissioner PHILLIPS.*

*William Terrant* the younger, Martin's-place, Mason-street, New Cross, Deptford, Kent, clerk to a railway company.—*Armand Muscard*, Cumberland-street, Goudge-street, Tottenham-court-road, Middlesex, cabinet maker.—*Charles Gerard Rule*, Alpha-cottage, Upper Tulse-hill, Brixton, Surrey, clerk in the Admiralty Department, Somerset House.—*John Taylor*, High-street, Woolwich, Kent, pork butcher.—*Rebecca Swann*, Gloucester-terrace, New-road, Mile-end Old-town, Stepney, Middlesex, drawn bonnet maker.—*John W. Edwards*, Northumberland-terrace, Bagnigge-wells-rd., Middlesex, cheesemonger.—*Wm. Jackson*, Lower-grove, Brompton, Middlesex, watchmaker.—*Benjamin C. Booth*, Mansfield-street, Kingland-road, Middlesex, tailor.

*June 28 at 10, before the CHIEF COMMISSIONER.*

*Silvanus Stone*, Mason's-hill, Bromley, Kent, beer-shop keeper.

*Saturday, June 10.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Thomas Marshall*, Dunstable, Bedfordshire, stonemason, No. 77,714 C.; *Wm. Drifill*, assignee.—*H. Petty*, Southampton, carpenter, No. 77,850 C.; *T. C. Elliott*, assignee.—*Joseph Longbottom*, Leeds, Yorkshire, out of business, No. 77,858 C.; *Amos Freeman*, assignee.—*James Howard*, Newport Pagnell, Buckinghamshire, licensed victualler, No. 77,861 C.; *John M. Vernon*, assignee.—*Samuel Thomas*,

Canton, near Cardiff, Glamorganhire, maltster, No. 77,972 C.; *C. Thomas*, assignee.—*Wm. Richardson*, York, out of business, No. 78,062 C.; *John Higgins*, assignee.—*Wm. Eastwood*, Kirk Heaton, near Huddersfield, Yorkshire, out of business, No. 77,736 C.; *Charles Denham* and *Jonathan Turner*, assignees.—*Henry Rooke*, Rotherham, Yorkshire, out of business, No. 77,986 C.; *Wm. Rhodes*, assignee.—*J. Stensfield*, Rotherham, Yorkshire, hair dresser, No. 77,987 C.; *Wm. Rhodes*, assignee.

*Saturday, June 10.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Henry B. Smith*, Walthamstow, Essex, butcher: in the Debtors Prison for London and Middlesex.—*P. Isenmenger*, St. Thomas-st. East, Southwark, Surrey, commission agent: in the Gaol of Surrey.—*William Wilkins*, Newberry-place, Kentish-town, Middlesex, builder: in the Debtors Prison for London and Middlesex.—*John Martin*, Great Park-street, Kennington-cross, Surrey, farrier: in the Gaol of Surrey.—*Edward K. Jervis*, Bury-street, St. James's, Middlesex, in no profession: in the Debtors Prison for London and Middlesex.—*Wm. J. Lindner*, Queen's-row, Pentonville, Middlesex, copper-plate printer: in the Debtors Prison for London and Middlesex.—*Henry Maddox*, Milton-next-Gravesend, Kent, grocer: in the Debtors Prison for London and Middlesex.—*John Clifford*, Cleveland-street, Mile-end-road, Middlesex: in the Debtors Prison for London and Middlesex.—*Ramsay R. Reinagle*, Robert-terrace, Chelsea, Middlesex, portrait painter: in the Debtors Prison for London and Middlesex.—*John R. Oates*, Providence-place, Cambridge-road, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—*Edward Billman*, Manchester, egg dealer: in the Gaol of Lancaster.—*Wm. Barrett*, Bury, Lancashire, coach builder: in the Gaol of Lancaster.—*James Schofield*, Manchester, army pensioner: in the Gaol of Lancaster.—*George Elliott*, Preston, Lancashire, beerseller: in the Gaol of Lancaster.—*George Yates*, Manchester, manager to a fustian shearer: in the Gaol of Lancaster.—*Robert Spink*, Bradford, Yorkshire, fishmonger: in the Gaol of York.—*Wm. Stark*, Mark, near Bridgewater, Somersetshire, cheese factor: in the Gaol of Wilton.—*Henry John Doogood*, Dover, Kent, shorthand writer: in the Gaol of Dover.—*Hugh Bell*, Durham, grocer: in the Gaol of Durham.—*David Cole*, Godahill, Isle of Wight, Southampton, farmer: in the Gaol of Winchester.—*S. Shaw*, Stalybridge, Mottram-in-Loundale, Cheshire, draper: in the Gaol of Chester.—*Wm. Turner*, Birmingham, retail brewer: in the Gaol of Coventry.—*James Barber*, Birmingham, japanner: in the Gaol of Coventry.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*June 27 at 10, before Mr. Commissioner MURPHY.*

*William Allen*, Turnagain-lane, Farringdon-street, London, cutler.—*John G. Toone*, Aske-street, Hoxton, Middlesex, jobbing cabinet maker.—*Thomas Fisher* the elder, Sandwich-st., Burton-crescent, St. Pancras, Middlesex, school agent.

**INSOLVENT DEBTOR'S DIVIDEND.**

*Wm. J. Johnson*, Burnham, Westgate, Norfolk, coal dealer, at Miller & Son's, Norwich: 10½d. in the pound.

**MEETING.**

*Halcumb W. Hatfield*, Church-street, Battersea, Surrey, plumber, June 28 at 12, at Marter's, 5, Farnival's-inn, London, sp. aff.

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LONDON, JUNE 24, 1854.

On the subject of the law of partnership, which has been much discussed lately in the pages of this journal, as well as elsewhere, a valuable contribution to our legal literature has recently been made by Mr. Tudor, in the shape of a translation of Pothier's celebrated treatise\*, which Mr. Tudor has enriched with some excellent notes, illustrating the relation between the English and the French law, and between the old French law and the Code Napoleon. On the subject of partnership en commandite, we refer to the following passage, which very well and briefly discusses its peculiarities:—

"Since in partnerships en commandite† the prin-

\* A Treatise on the Contract of Partnership, by Pothier: with the Civil Code and Code of Commerce relating to that subject, in the same order. Translated from the French, with Notes referring to the Decisions of the English Courts. By Owen Davies Tudor, of the Middle Temple, Esq., Barrister at Law. Butterworths, 1854.

† "In a partnership en commandite, when there are several partners jointly and severally responsible by name, whether all manage together, or one or more manage for all, the partnership is at the same time a partnership en nom collectif with

principal partner, and in anonymous partnerships the known partner, alone makes, and each in his own

respect to them, and a partnership en commandite with respect to those who are merely holders of funds, or shareholders. (Comm. Cod. of France, 24).

"The name of a partner en commandite cannot form part of the style of the firm. (Id. 25).

"The partner en commandite is only liable for losses to the amount of the funds which he has contributed, or ought to contribute, to the partnership. (Id. 26).

"The partner en commandite can do no act of management, nor be employed in the business of the partnership, even under a power of attorney. (Id. 27).

"In case of contravention of the prohibition mentioned in the preceding article, the partner en commandite is responsible, jointly and severally, with the partners en nom collectif, for all the debts and liabilities of the partnership. (Id. 28).

"An anonymous partnership is indicated by the designation of the object of its enterprise. (Id. 30).

"It is managed by temporary directors, who are revocable, and are either partners or not partners, with or without salaries. (Id. 31).

"The directors are only liable for the execution of the powers confided to them. They do not contract by reason of their management any personal or joint and several obligation with relation to the engagements of the partnership. (Id. 32).

"The partners are only liable for losses to the amount of their interest in the partnership. (Id. 33).

"With regard to partnerships en commandite, it will be observed, that the partners whose names appear to the world are, like partners en nom collectif, jointly and severally liable for all the debts; while the partners en commandite, whose names do not appear, if they comply with the provisions of the code, as to registration and non-interference with the management of the affairs of the partnership, will only be liable to the extent of their capital. This species of partnership does not exist in England, because it is here a maxim of the law that all persons entitled to a share in the profits of a partnership, even dormant or concealed partners, are, as regards third parties, notwithstanding any stipulations among themselves, liable in solidum for all the debts of the partnership. (See *Blundell v. Winsor*, 8 Sim. 601; *Walburn v. Ingilby*, 1 My. & K. 61, 76; *Story Partn.* 254). So, likewise, if a person advance money to a



name, the contracts of the partnership, it follows that he renders himself alone liable, and that the partners en commandite, as well as the unknown partners, are not, according to the principles established, liable for the debts of the partnership to the creditors with whom the principal or known partner has contracted. They are only liable for them to their principal or known partner who has contracted them; they ought to acquit him from them according to the share which each has in the partnership; that is to say, the anonymous partner indefinitely, and the part-

ner en commandite only to the amount of the capital which he has put into the partnership."

On this doctrine of limited liability, we confess ourselves, notwithstanding the verdict of the majority of the learned commissioners who have reported upon it, and notwithstanding the very able arguments with which we have been favoured by contributors to these pages, unable to see its dangers, and, on the contrary, able to perceive in it very great advantage and convenience. It should not be forgotten that, after all, the principle of limited liability has in it nothing new; that it has been applied in practice in this country for years; and that to give, by one general act of Parliament, power to parties to form partnerships, under given rules, with limited liability, would only be to extend the use of those incorporated partnerships under which so many of the most useful commercial enterprises of this country have been carried on. Every public company incorporated under act of Parliament is, in fact, a partnership en commandite; and when it is said that partnership with limited liability would lead to greater hollowness and instability in commerce—would, in fact, facilitate the cheating of creditors by impecunious partnerships—the answer is, first, practically, has it been found that business is so conducted in general by incorporated companies as to justify any such assumption? Is it the fact that companies are in general less faithful to their engagements, less stable in their commercial transactions, than private concerns? The example of the numerous joint-stock banks and insurance and other companies, to say nothing of canal and railway companies, that have carried on business, and carried off business from their rivals, during long years, affords surely very little support to the arguments against limited liability. Oh! but then, it is said, these are great public companies, and conducted under parliamentary regulation. But surely it can make no difference in the application of the principle whether the company is great or small, the magnitude of its undertakings being in proportion to the extent of its capital; and every partnership voluntarily entered into under a general act of Parliament might and would be regulated with quite as much precision as an incorporated company acting under its special act. But, in truth, it appears to us that the fears about limited liability are grounded altogether on a mistaken notion of the foundation of credit in trade. It is not true that credit is given to a firm because its partners are known, and known to be persons of substance, and on the faith of each being wholly liable; it is not true that one-tenth of the persons who have transactions with a partnership know who are its members, beyond the one or two leading members who are usually seen to be active; and it is not true that those who deal with a firm know, in general, anything about the fortunes of its members. At this day, for instance, take any great and old-established banking firms—say Child's, or Coutts's—it is not true that one-fiftieth part of the customers of those firms has any conception who are the real partners in them. It is idle, then, to talk of a man relying upon the unlimited liability of all the partners, when he does not even know whether there are two, three, or six partners, nor who they are, if they are at all. Credit is really given in business to

firm at a rate of interest varying with the profits of the concern, he will be liable as a partner. Partnerships of this kind exist in all parts of the continent of Europe, and have been adopted in many of the States of North America; and it appears to be the opinion of mercantile men, and of lawyers in those countries, that they have greatly contributed to commercial prosperity, and towards bringing capital, which would otherwise have remained dormant, into active and useful circulation.

"The introduction of partnerships en commandite into this country has been recommended by many persons whose opinions are entitled to great consideration; and as it is believed that here, as well as elsewhere, they would promote the prosperity of small capitalists, and especially of the working classes, it is to be hoped that the commission now sitting for the purpose of taking into consideration the mercantile laws of England, Scotland, and Ireland, with a view to their assimilation, will not pass over without notice a subject of such deep importance. The principle of limited liability, as in partnerships en commandite, has been long since recognised and adopted in this country, where acts of Parliament or charters have constituted companies for public undertakings, such as for railways, gas or water works, docks, &c. The Irish Anonymous Partnership Act, 21 & 22 Geo. 3, c. 46, passed so far back as the year 1781-2, adopts the principle of limited liability; but as it interferes too much with what ought to be left to the discretion of the parties, its success has not been very encouraging.

"One of the objections which might formerly have been raised to partnerships en commandite was, that they were merely the means of obtaining a rate of interest varying with the profits of the concern, and were therefore within the mischief of usury; but as the laws against usury (except where land forms part of the security) have been repealed, this objection can now have no weight.

"Another objection is, that these kinds of partnership would lead to undue speculation. To this we may answer, that in private undertakings the owners of capital are in general the best judges as to whether they would or would not be productive; and that the Legislature, which confers the privilege of limited liability upon companies formed for carrying out undertakings of a public character, might depend upon individuals exercising ordinary prudence in their own affairs.

"Another objection is, that it is not right that the partner with limited liability should participate in the profits, and throw the losses upon innocent parties. There is, however, no weight in this objection; for if a partner en commandite contracts with third parties (as he does in all cases) that he will be liable only to the extent of his capital in the concern, those parties who, after full notice, deal with the partnership, have no natural or equitable right to more than what they have contracted for.

"That creditors are better circumstanced when part of the capital to carry on a business is subscribed by partners en commandite, than when it is borrowed by a firm, is clear. Thus, if a firm carries on business with a capital of 20,000*l.*, 10,000*l.* of which is borrowed, in the event of ill success, the lender, after obtaining perhaps a far higher rate of interest than the average rate of profits, either obtains a preference over the other creditors, or proves as a creditor for what remains unpaid of the 10,000*l.*; whereas a partner en commandite would only be entitled to a share of the profits, if there were any, and would be liable to the extent of his 10,000*l.* embarked in the concern to its creditors.

"The principal opponents of partnerships with limited liability will most likely be found amongst the large capitalists, who perhaps naturally fear that a combination of small capitalists, by bringing dormant capital into active competition with their own, would thereby diminish their profits."

firms, not on the knowledge of any particular man or men being in them, or on the knowledge of their fortunes, but because, when transactions have been entered into with that firm, it has been found punctual to its engagements. But if it were true that there is less security to the public where it deals with partners having only limited liability, surely the public would very soon find that out, and the result would be simply the giving of less credit in dealing with such firms than with firms trading under the ordinary law. The real question is one affecting the relation of partners inter se, not the relation between partnerships and the public. The question is, whether more capital would not be usefully employed in commerce if parties might, without the expense of a special act of Parliament, enter into them, not placing their whole fortune at the disposal of their partners. The public may be very safely left to take care of itself; it will, in dealing with partnerships en commandite, regulate its credit, as it does in dealing with any other firm, by the conduct of the firm, and not by an actual knowledge of its resources—a knowledge which it never, in practice, possesses.

### Correspondence.

#### THE ARCHDEACON OF MIDDLESEX AND THE CHURCHWARDEN OF ST. PAUL'S, KNIGHTSBRIDGE.

TO THE EDITOR OF "THE JURIST."

SIR,—Unusual attention has lately been called to the election of a churchwarden at St. Paul's, Knightsbridge. It has been made a question of Puseyism and Protestantism. But I think that attention should be called to a point of very great practical importance which appears to have been unnoticed; otherwise, while much is said about resistance to one form of ecclesiastical incroachment, another, still more dangerous, is acquiesced in.

The late election is stated to have been held because the archdeacon determined that the former election was invalid. Now, if there is one point clearer and more settled than another, it is, that the archdeacon has no jurisdiction to try or determine the validity of any election of churchwarden; it is simply his duty to swear in. If half-a-dozen present themselves for the purpose, he must swear them all in. The temporal courts alone can try and determine the validity of the election.

Mr. Westerton's second election is clearly a void election. If he is churchwarden now, it must be on the first election only, not on the second.

To admit for a moment the illegal doctrine and practice of the archdeacon thus interfering is simply to place the office of churchwarden in the hands of the ecclesiastical authorities. If this is submitted to, farewell to the principles which Mr. Westerton's supporters so strenuously assert, but have now practically abandoned.

Your obedient servant,

Serjeants'-inn, June 21, 1854. T. S.

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed William Plaskitt, of Gainsborough, Lincolnshire, Gent., to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the parts of Lindsey, in the county of Lincoln.

### Court Papers.

#### EQUITY SITTINGS, AFTER TRINITY TERM, 1854.

#### Court of Chancery.

Before the LORD CHANCELLOR, at Lincoln's Inn.

Monday .... June 26	First Seal.—Appeal Motions and Appeals.
Tuesday ..... 27	Petitions.
Wednesday ..... 28	
Thursday ..... 29	
Friday ..... 30	
Saturday .... July 1	Appeals.
Monday ..... 3	
Tuesday ..... 4	
Wednesday ..... 5	
Thursday ..... 6	Second Seal.—Appeal Motions and Appeals.
Friday ..... 7	
Saturday ..... 8	
Monday ..... 10	
Tuesday ..... 11	Appeals.
Wednesday ..... 12	
Thursday ..... 13	
Friday ..... 14	
Saturday ..... 15	Petitions.
Monday ..... 17	
Tuesday ..... 18	Appeals.
Wednesday ..... 19	
Thursday ..... 20	Third Seal.—Appeal Motions and Appeals.
Friday ..... 21	
Saturday ..... 22	
Monday ..... 24	
Tuesday ..... 25	Appeals.
Wednesday ..... 26	
Thursday ..... 27	
Friday ..... 28	
Saturday ..... 29	Fourth Seal.—Appeal Motions and Appeals.
Monday ..... 31	General Petition-day.

Notice.—Such days as his Lordship is hearing Appeals in the House of Lords excepted.

Before the LORDS JUSTICES, at Lincoln's Inn.

Monday .... June 26	First Seal.—Appeal Motions.
Tuesday ..... 27	
Wednesday ..... 28	Appeals.
Thursday ..... 29	
Friday ..... 30	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday .... July 1	
Monday ..... 3	Appeals.
Tuesday ..... 4	
Wednesday ..... 5	
Thursday ..... 6	Second Seal.—Appeal Motions.
Friday ..... 7	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday ..... 8	
Monday ..... 10	
Tuesday ..... 11	Appeals.
Wednesday ..... 12	
Thursday ..... 13	
Friday ..... 14	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday ..... 15	
Monday ..... 17	
Tuesday ..... 18	Appeals.
Wednesday ..... 19	
Thursday ..... 20	Third Seal.—Appeal Motions.
Friday ..... 21	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday ..... 22	
Monday ..... 24	
Tuesday ..... 25	Appeals.
Wednesday ..... 26	
Thursday ..... 27	

Friday .....	28	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday .....	29	Fourth Seal.—Appeal Motions.
Monday .....	31	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.

*Notice.*—The days on which the Lords Justices shall be engaged in the full Court or at the Judicial Committee of the Privy Council are excepted.

*Before the Right Hon. the MASTER OF THE ROLLS, at the Rolls.*

Monday....	June 26	First Seal.—Motions.
Tuesday.....	27	Pleas, Demurrers, Exceptions, Further Directions, Further Considerations, and Further Directions and Costs, until all are disposed of, and then the General Cause Book.
Wednesday....	28	
Thursday.....	29	
Friday .....	30	
Saturday ....	July 1	Petitions in General Paper.
Monday.....	3	Pleas, Demurrers, Exceptions, Further Directions, Further Considerations, and Further Directions and Costs, until all are disposed of, and then the General Cause Book.
Tuesday .....	4	
Wednesday....	5	
Thursday .....	6	Second Seal.—Motions.
Friday .....	7	
Saturday .....	8	
Monday.....	10	
Tuesday.....	11	Pleas, Demurrers, Exceptions, Further Directions, Further Considerations, and Further Directions and Costs, until all are disposed of, and then the General Cause Book.
Wednesday....	12	
Thursday.....	13	
Friday .....	14	
Saturday .....	15	
Monday.....	17	
Tuesday.....	18	
Wednesday....	19	
Thursday.....	20	Third Seal.—Motions.
Friday .....	21	
Saturday .....	22	Pleas, Demurrers, Exceptions, Further Directions, Further Considerations, and Further Directions and Costs, until all are disposed of, and then the General Cause Book.
Monday.....	24	
Tuesday.....	25	
Wednesday....	26	
Thursday.....	27	
Friday .....	28	
Saturday .....	29	Fourth Seal.—Motions.
Monday.....	31	Petitions in General Paper.

*Notice.*—At the Sittings after Trinity Term the Master of the Rolls will hear Exceptions, Further Directions, Further Considerations, and Further Directions and Costs, previous to proceeding to hear Original Causes.

N.B.—Short Causes, Short Claims, Consent Causes, Unopposed Petitions, and Claims, every Saturday at the sitting of the Court.

*Notice.*—Consent Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard.

*Before Vice-Chancellor Sir RICHARD T. KINDERSLEY, at Lincoln's Inn.*

Monday....	June 26	First Seal.—Motions and Causes.
Tuesday.....	27	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday....	28	
Thursday.....	29	
Friday .....	30	Petitions (unopposed first).
Saturday ....	July 1	Short Causes, Short Claims, & Causes.
Monday.....	3	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday.....	4	
Wednesday....	5	
Thursday.....	6	Second Seal.—Motions and Causes.
Friday .....	7	Petitions (unopposed first).
Saturday .....	8	Short Causes, Short Claims, & Causes.
Monday.....	10	
Tuesday.....	11	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday....	12	
Thursday.....	13	
Friday .....	14	Petitions (unopposed first).

Saturday .....	15	Short Causes, Short Claims, & Causes.
Monday.....	17	
Tuesday.....	18	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday....	19	
Thursday.....	20	Third Seal.—Motions and Causes.
Friday .....	21	Petitions (unopposed first).
Saturday .....	22	Short Causes, Short Claims, & Causes.
Monday.....	24	
Tuesday.....	25	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday....	26	
Thursday.....	27	
Friday .....	28	Petitions (unopposed first).
Saturday .....	29	Fourth Seal.—Motions.
Monday.....	31	Remaining Petitions.

N.B.—Unopposed Petitions, not exceeding ten, at the sitting of the Court, every day except Seal-days.

*Notice.*—After the Second Seal the Vice-Chancellor will hear Exceptions and Further Directions, Further Considerations, and Further Directions and Costs, in priority to Original Causes.

*Before Vice-Chancellor Sir J. STUART, at Lincoln's Inn.*

Monday....	June 26	First Seal.—Motions and Causes.
Tuesday.....	27	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday....	28	
Thursday.....	29	
Friday .....	30	Petitions and General Paper.
Saturday ....	July 1	Short Causes, Short Claims, & Causes.
Monday.....	3	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday.....	4	
Wednesday....	5	
Thursday.....	6	Second Seal.—Motions and Causes.
Friday .....	7	Petitions and General Paper.
Saturday .....	8	Short Causes, Short Claims, & Causes.
Monday.....	10	
Tuesday.....	11	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday....	12	
Thursday.....	13	
Friday .....	14	Petitions and General Paper.
Saturday .....	15	Short Causes, Short Claims, & Causes.
Monday.....	17	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday.....	18	
Wednesday....	19	
Thursday.....	20	Third Seal.—Motions and Causes.
Friday .....	21	Petitions and General Paper.
Saturday .....	22	Short Causes, Short Claims, & Causes.
Monday.....	24	
Tuesday.....	25	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday....	26	
Thursday.....	27	
Friday .....	28	Petitions and General Paper.
Saturday .....	29	Fourth Seal.—Motions.
Monday.....	31	Petitions and Short Causes.

*Before Vice-Chancellor Sir W. P. WOOD, at Lincoln's Inn.*

Monday....	June 26	First Seal.—Motions and General Paper.
Tuesday.....	27	
Wednesday....	28	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Thursday.....	29	
Friday .....	30	
Saturday ....	July 1	Petitions, Short Causes and Claims, and General Paper.
Monday.....	3	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday.....	4	
Wednesday....	5	
Thursday.....	6	Second Seal.—Motions and General Paper.
Friday .....	7	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday .....	8	Petitions, Short Causes and Claims, and General Paper.
Monday.....	10	
Tuesday.....	11	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday....	12	
Thursday.....	13	
Friday .....	14	

Saturday .....	15	Petitions, Short Causes and Claims, and General Paper.	Saturday .....	22	Petitions, Short Causes and Claims, and General Paper.
Monday .....	17	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.	Monday .....	24	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	18		Tuesday .....	25	
Wednesday .....	19		Wednesday .....	26	
Thursday .....	20	Third Seal.—Motions and General Paper.	Thursday .....	27	
Friday .....	21	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.	Friday .....	28	
			Saturday .....	29	Fourth Seal.—Motions.
			Monday .....	31	Petitions, Short Causes, & Short Clms.

## CIRCUITS OF THE JUDGES.

(Lord CAMPBELL, C. J., will remain in Town).

SUMMER CIRCUITS, 1854.	NORFOLK. L.C.J. Jervis J. Cresswell	HOME. L.C.B. Pollock J. Erle	MIDLAND. B. Parke J. Maule	OXFORD. B. Alderson J. Crompton	WESTERN. J. Coleridge J. Wightman	NORTHERN. B. Platt J. Crowder	S. WALES. J. Williams	N. WALES. B. Martin
Monday, July 10	.....	.....	.....	Abingdon	.....	.....	.....	.....
Tuesday .....	11	.....	Oakham	.....	Winchester	.....	Cardigan	.....
Wednesday .....	12	Hertford	Northampton	Oxford	.....	York & City	.....	.....
Thursday .....	13	Aylesbury	.....	.....	.....	.....	Haverford-	.....
Friday .....	14	.....	.....	.....	.....	.....	[west & Tn.	.....
Saturday .....	15	Bedford	.....	Worcester & Dorchester	.....	.....	.....	.....
Monday .....	17	Chelmsford	Leicest. & B.	[City	.....	.....	.....	.....
Tuesday .....	18	Huntingdon	.....	.....	.....	.....	Cardmarthen	.....
Wednesday .....	19	.....	Nottingham	Gloucester & Exeter & City	.....	.....	.....	Newtown
Thursday .....	20	Cambridge	[& Town	[City	.....	.....	.....	.....
Saturday .....	22	.....	Lincoln &	.....	.....	Durham	Cardiff	Dolgelly
Monday .....	24	Norwich and Maidstone	[City	.....	.....	.....	.....	.....
Tuesday .....	25	[City	.....	Monmouth	.....	.....	.....	Carnarvon
Wednesday .....	26	.....	Derby	.....	Bodmin	.....	.....	.....
Thursday .....	27	.....	.....	Hereford	.....	Newcastle &	.....	.....
Friday .....	28	Ipswich	.....	.....	.....	[Town	.....	Beaumaris
Saturday .....	29	.....	.....	Shrewsbury	.....	.....	Brecon	.....
Monday .....	31	Lewes	Coventry	.....	Wells	Carlisle	.....	Ruthin
Tuesday, Aug. 1	.....	.....	Warwick	.....	.....	.....	.....	.....
Wednesday .....	2	.....	.....	Stafford	.....	.....	Presteign	.....
Thursday .....	3	Guildford	.....	.....	.....	Appleby	.....	Mold
Saturday .....	5	.....	.....	.....	Devises	Lancaster	Chester &	Chester &
Wednesday .....	9	.....	.....	.....	Bristol	Liverpool	[City	[City

## COURT OF EXCHEQUER.

This Court will, on Friday, the 7th July next, hold a sitting, and will, at such sitting, proceed in giving judgment in cases then standing for judgment.

FREDERICK POLLOCK.  
E. H. ALDERSON.  
T. J. PLATT.  
SAMUEL MARTIN.

June 14, 1854.

## COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.

The Lord Chancellor, under the powers of the 16 & 17 Vict. c. 78, intituled "An Act relating to the Appointment of Persons to administer Oaths in Chancery, and to Affidavits made for Purposes connected with Registration," has appointed the following gentlemen to be Commissioners for administering Oaths in Chancery:—

*To be London Commissioners.*

Samuel Appleby, 6, Harpur-street, Red Lion-square.  
Thomas Sismey, 11, Serjeants'-inn, Fleet-street.  
John Francis Osborne, 23, Red Lion-square, and 7, St. Ann's-villas, Notting-hill.  
Charles Horton Pulley, 28, Great Winchester-street, Old Broad-street, City, and Upper Homerton, Hackney.  
James Kingsford, 23, Essex-street, Strand.  
Thomas Carington Campbell, 21, Essex-street, Strand.  
Charles Berkeley, 52, Lincoln's-inn-fields.  
John Gillam Booty, 1, Raymond-buildings, Gray's-inn.

Jonathan Norman Dalston, 161, Piccadilly.  
Charles Templer Depree, 9, Lawrence-lane, Cheapside, and 12, Bloomsbury-square.  
Thomas Lechmere Marriott, 1, Lancaster-place, Strand.  
Edward Robert Kelly, 8, Cook's-court, Lincoln's-inn.  
Richard Cattarns, 33, Mark-lane, City.  
Thomas Wight, 13, Russell-place, Fitzroy-square.

*To be Commissioners in England.*

Henry John Hollier, Aberdare, Glamorganshire.  
Frederick Fox, Norwich.  
Isaac Knowles, Wellington, Shropshire.  
John Brend Winterbotham, Cheltenham.  
George Wright Gwyer, Bristol.  
Arthur Preston, Norwich.

## London Gazettes.

FRIDAY, JUNE 16.

## BANKRUPTS.

PETER THOMSON, Birchin-lane, London, merchant, dealer and chapman, June 22 at 2, and July 27 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Scott & Combs, 23, Bucklersbury.—Petition filed June 10.  
FREDERICK GEORGE RICHARDSON, Commercial-road, Limehouse, Middlesex, timber merchant, dealer and chapman, June 27 at 2, and July 26 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Murray, London-street, Fenchurch-street.—Petition filed June 13.  
JOHN TODD MERRICK, Hereford-road, Westbourne-grove, Middlesex, builder, June 24 at half-past 1, and July 29 at 2, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Boydell, 41, Queen-square.—Petition filed June 14.

**LATIMER ALLEN**, Peterborough, Northamptonshire, builder, carpenter, dealer and chapman, June 24 at half-past 2, and July 29 at half-past 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Wilkinson, Peterborough; Wright, 2, South-square, Gray's-inn.—Petition dated May 31.

**THOMAS BURTON**, Hagley, Worcestershire, butcher, dealer and chapman, June 26 and July 17 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Homfray, Halesowen; Hodgson, Birmingham.—Petition dated June 13.

**RICHARD GULOTON WOLLASTON**, Bishop's Castle, Shropshire, surgeon and apothecary, June 27 and July 20 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Griffiths, Bishop's Castle; Slaney, Birmingham.—Petition dated June 15.

**ROBERT HEWSON**, Louth, Lincolnshire, innkeeper, June 28 and July 26 at 12, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Carrick; Sols. Ingoldby & Bell, Louth; Wells & Co., Hull.—Petition dated May 31.

**JOHN COURTIS**, Becalston, Devonshire, grocer, dealer and chapman, June 30 and July 20 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Little & Woolcombe, Devonport; Stogdon, Exeter.—Petition filed June 8.

**RICHARD BECKETT**, Liverpool, currier and leather dealer, dealer and chapman, June 28 and July 17 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sol. Bradley, Liverpool.—Petition filed June 14.

**JAMES WORRALL**, Bolton and Manchester, manufacturer, dealer and chapman, July 4 and 31 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Atkinson & Co., Manchester.—Petition filed June 2.

**ALFRED BURROWS**, Mile-end, near Stockport, Cheshire, silk manufacturer, dealer and chapman, July 5 and 26 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Parrott & Co., Macclesfield.—Petition filed June 9.

**EDWIN ASHLEY**, Manchester, smallware manufacturer, dealer and chapman, June 26 and July 24 at 12, District Court of Bankruptcy, Manchester: Off. Ass. —; Sols. Haigh, Liverpool; Sale & Co., Manchester.—Petition filed June 10.

**JAMES HOPE**, Burnley, Lancashire, grocer and provision dealer, dealer and chapman, June 29 and July 20 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Herniman; Sol. Taylor, Manchester.—Petition filed June 3.

#### MEETINGS.

*Alfred Ford*, Lowndes-street, Belgrave-square, Middlesex, surgeon, June 28 at 12, Court of Bankruptcy, London, last ex.—*Charles Seagrim*, Winchester, Southampton, solicitor, June 28 at 12, Court of Bankruptcy, London, last ex.—*F. Rosenberg*, Freeschool-st., Horselydown, Surrey, cask manufacturer, June 28 at 2, Court of Bankruptcy, London, last ex.—*Washington Yarroll* and *Thomas Hallam*, High-street, Borough, Surrey, tailors, June 28 at 11, Court of Bankruptcy, London, aud. ac.—*John Summerell*, Little York-place, St. Marylebone, Middlesex, carpenter, June 28 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Bennett Alfred Burton* and *Henry Mortimer Burton*, John's-place, Holland-street, Southwark, Surrey, engineers, June 28 at 11, Court of Bankruptcy, London, aud. ac.—*Joseph Buhner*, Holborn-hill, London, fancy warehouseman, June 27 at 11, Court of Bankruptcy, London, aud. ac.—*Wm. Clift*, Uting, Essex, cattle salesman, July 6 at 12, Court of Bankruptcy, London, aud. ac.—*Mary Long*, Clifton, Bristol, hotel keeper, June 29 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Wm. Byrom*, *Henry Taylor*, and *Thos. Byrom*, Manchester, Liverpool, and Wigan, Lancashire, coal proprietors, July 6 at 12, District Court of Bankruptcy, Manchester, aud. ac., and July 13 at 12, div. sep. est. of *Thos. Byrom*.—*Jos. Higginbottom*, Ashton-under-Lyne, Lancashire, money scrivener, July 1 at 12, District Court of Bankruptcy, Manchester, aud. ac.; July 8 at 12, fin. div.—*Wm. Clarke* and *Thos. Boulton*, Manchester, check manufacturers, June 26 at 12, District Court of Bankruptcy, Manchester, aud. ac. joint est., and aud. ac. sep. ests.—*Robert Williams*, Mold, Flintshire, draper, June 29 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*James Shannon*, Liverpool, linendraper, June 27 at 11, District Court of Bankruptcy, Liverpool, aud.

ac.—*Joseph Moss*, June 26 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Henry Hudson*, Heaton Fold in Marsh, Huddersfield, Yorkshire, cattle dealer, June 29 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*J. Roebuck* and *Wm. Roebuck*, Bank End Mill, near Holmfirth, *Jonathan Roebuck*, Flash House, Austonley, Yorkshire, and *Eli Roebuck*, Mossley Brows, Lancashire, woollen cloth manufacturers, June 29 at 11, District Court of Bankruptcy, Leeds, aud. ac. joint est., and aud. ac. sep. ests. of *John Roebuck*, *Wm. Roebuck*, and *Jonathan Roebuck*.—*Andrew Burn*, Sackville-st., Piccadilly, Middlesex, tailor, July 8 at half-past 11, Court of Bankruptcy, London, div.—*Thos. Ashley*, Coleman-st., Camberwell, Surrey, licensed victualler, July 7 at half-past 12, Court of Bankruptcy, London, div.—*Francis Rofford Hewlett*, Leyton, Essex, cowkeeper, July 7 at 11, Court of Bankruptcy, London, div.—*Charles Butten*, Holborn-bars, London, manufacturing chemist, July 7 at 1, Court of Bankruptcy, London, div.—*Daniel Grant*, Cheapside, London, printer, July 8 at 2, Court of Bankruptcy, London, div.—*Samuel Luke Pratt*, New Bond-st., Middlesex, upholsterer, July 8 at half-past 1, Court of Bankruptcy, London, div.—*George Janett*, Wickham Welford, Berkshire, builder, July 8 at 11, Court of Bankruptcy, London, div.—*Thos. Radford*, Noble-st., London, and Manchester, warehouseman, July 8 at half-past 1, Court of Bankruptcy, London, div.—*Jas. Thorn*, Sackville-st., and *George Robins*, Titchborne-st., Piccadilly, Middlesex, surgeons, July 8 at 2, Court of Bankruptcy, London, div. sep. est. of *Jas. Thorn*.—*Peter Emery*, Brighton, Sussex, licensed victualler, July 8 at half-past 12, Court of Bankruptcy, London, div.—*Michael Emanuel* and *Henry Emanuel*, Hanover-square, Middlesex, goldsmiths, July 12 at 12, Court of Bankruptcy, London, div. joint est., and div. sep. est. of *Henry Emanuel*.—*George Booth*, Bishopwearmouth, Sunderland, Durham, ship owner, July 7 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—*Wilson Jeffreys* and *John Meek*, Liverpool, merchants, June 27 at 12, District Court of Bankruptcy, Liverpool, aud. ac.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Thomas Radford*, Noble-street, London, and Manchester, warehouseman, July 8 at half-past 2, Court of Bankruptcy, London.—*Joseph S. R. Clarke*, Richmond-villas, Westbourne-grove, Bayswater, Middlesex, dealer in hay, July 8 at 2, Court of Bankruptcy, London.—*Thomas Ashley*, Coleman-street, Camberwell, Surrey, licensed victualler, July 7 at half-past 12, Court of Bankruptcy, London.—*Henry M. Ramsey*, Elgin-crescent, Kensington-park, Middlesex, builder, July 8 at 1, Court of Bankruptcy, London.—*Andrew Burn*, Sackville-street, Piccadilly, Middlesex, tailor, July 7 at half-past 1, Court of Bankruptcy, London.—*Mary Parkes*, Golden-square, Middlesex, printer, July 11 at 1, Court of Bankruptcy, London.—*John R. Pursell*, Ludgate-hill, London, and Regent-street, Pall-mall, Middlesex, biscuit baker, July 11 at 12, Court of Bankruptcy, London.—*Guillaume G. Charles*, Liverpool, importer of French goods, July 10 at 11, District Court of Bankruptcy, Liverpool.—*John P. Brierly*, *Scholes Brierly*, and *George Brierly*, Oldham, Lancashire, cotton spinners, July 13 at 12, District Court of Bankruptcy, Manchester.—*George A. Anderson* and *George Kirk*, Middlesbrough, Yorkshire, hardwaremen, July 10 at 12, District Court of Bankruptcy, Leeds.

*To be granted, unless an Appeal be duly entered.*

*Peter Emery*, Brighton, Sussex, licensed victualler.—*John Lyons*, Alie-place, Great Alie-street, Goodman's-fields, Middlesex, and Minories, London, packing-case manufacturer.—*James Henry T. V. Hughes*, Westbourne-grove, Bayswater, Middlesex, chemist.—*Henry Steel*, Norwich, tea dealer.—*Edmund W. Robinson*, Liverpool, cotton broker.—*W. Jones*, Liverpool, alster.—*James Gummery*, Kidderminster, Worcestershire, druggist.

#### PETITION DISMISSED.

*Wm. Johnson*, Bradford, Yorkshire, butcher.

#### SOOTER SEQUESTRATIONS.

*John Taylor*, Coupar Angus, brewer.—*W. Mills*, Dundee, seedsman.—*Wm. Carwell*, junior, Glasgow, wright.—*John Jamieson*, Paisley, glazier.—*Alexander Hardie*, Linlithgow, currier.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Susan Parker*, Liverpool, milliner, June 26 at 10, County Court of Lancashire, at Liverpool.—*William Bryant*, Hulme, Manchester, retail dealer in ale, July 10 at 12, County Court of Lancashire, at Manchester.—*John Lucas*, Manchester, out of employment, July 10 at 12, County Court of Lancashire, at Manchester.—*P. Rowettiffe*, Rochdale, Lancashire, butcher, June 29 at 12, County Court of Lancashire, at Rochdale.—*Jasper Coole*, Churchdown, Gloucestershire, innkeeper, Aug. 22 at 10, County Court of Gloucestershire, at Gloucester.—*Wm. Price*, East Dean, Gloucestershire, farmer, July 4 at 10, County Court of Gloucestershire, at Newnham.—*Edwin Verrinder*, Gloucester, labourer, Aug. 22 at 10, County Court of Gloucestershire, at Gloucester.—*Charles Payne*, Romsey Extra, Southampton, carpenter, July 7 at 11, County Court of Hampshire, at Romsey.—*Thomas Henshaw*, Sheffield, near Biggleswade, Bedfordshire, farm servant, July 20 at 3, County Court of Bedfordshire, at Biggleswade.—*Evan Brindle*, Clayton-le-Moors, Lancashire, joiner, July 3 at 11, County Court of Lancashire, at Blackburn.—*Robert B. Martin*, Wingham, near Ash, Kent, shoemaker, June 22 at 12, County Court of Kent, at Sandwich.—*Edward Harley*, Heath-road, near Stourbridge, Worcestershire, in no business, June 26 at 10, County Court of Worcestershire, at Stourbridge.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*June 30 at 10, before the CHIEF COMMISSIONER.*

*John Franklyn*, Hornchurch, Essex, pork butcher.—*Henry Louis Coulson*, Sandgate-cottage, King's-road, John-street, Kingland, Middlesex, beer-shop keeper.

*July 3 at 11, before the CHIEF COMMISSIONER.*

*Edward Peachey*, Stafford-place, Vauxhall-bridge-road, Pimlico, Middlesex, labourer.—*James Sharpe* the elder, White Lion-street, Norton Folgate, Shoreditch, Middlesex, ash maker.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*June 30 at 10, before the CHIEF COMMISSIONER.*

*Mary Ann Fisher*, Portland-street, Berwick-street, Soho, Middlesex, cook.

*June 30 at 10, before Mr. Commissioner MURPHY.*

*Henry Wm. Ombler*, Ludgate-hill and Walbrook, London, practical chemist.—*Wm. Griffiths*, Gloucester-road, Camberwell, Surrey, maltster.—*Joseph Steer Christophers*, Arlington-square, New North-road, Islington, Middlesex, engineer.

*July 1 at 11, before Mr. Commissioner PHILLIPS.*

*Henry Youngusband*, Upper East Smithfield, Middlesex, baker.—*John Dallor*, Blackfriars-road, Surrey, licensed auctioneer.—*Giacomo Prospero Levi*, Bury-street, St. James's, Middlesex, gentleman.—*Archibald M<sup>r</sup> Dougall*, Sarah-terrace, Hill-street, Walworth, Surrey, clerk in the Admiralty Office, Somerset House.—*Thos. Lowe*, Bradford, Yorkshire, eating-house keeper.—*George Tedder*, Devonshire-street, Gerrard-street, Islington, Middlesex, professor of music.— *Jas. Plumseridge*, junior, Heath-street, Hampstead-road, Middlesex, clerk to a merchant.

*July 3 at 11, before the CHIEF COMMISSIONER.*

*Joseph Eldridge*, Queen-street, Dunstan-road, Kingland-road, Middlesex, out of business.

*July 3 at 11, before Mr. Commissioner PHILLIPS.*

*William Ward*, Duke-street, Stamford-street, Blackfriars-road, Surrey, plumber.

*Saturday, June 10.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*John Thomas*, Sunderland, Durham, dealer in glass: in the

Gaol of Durham.—*Thomas Skinner*, Ponghill, Devonshire, yeoman: in the Gaol of St. Thomas-the-Apostle.—*Geo. Cook*, Pendleton, Salford, Lancashire, wheelwright: in the Gaol of Lancaster.—*John Kelly*, Chester, upholsterer: in the Gaol of Chester.—*Thomas Bell*, Nottingham, stationer's assistant: in the Gaol of Nottingham.—*Abraham Holmes*, Manningham, near Bradford, Yorkshire, draper: in the Gaol of York.—*Benjamin Roger Ruston*, Landport, Portsea, Southampton, builder: in the Gaol of Winchester.—*Samuel Swann*, Hayfield Glossop, Derbyshire, bookkeeper: in the Gaol of Derby.—*John Martin*, Litchurch, Derbyshire, fly driver: in the Gaol of Derby.—*John Taylor*, North Shields, Northumberland, innkeeper: in the Gaol of Morpeth.—*Robertson Barclay*, Birmingham, out of business: in the Gaol of Coventry.—*John Pratt*, Nottingham, out of business: in the Gaol of Nottingham.—*Daniel Derrick*, Landport, Portsea, Southampton, baker: in the Gaol of Winchester.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Hampshire, at WINCHESTER, June 29.*

*Edward J. May*, Ventnor, Isle of Wight, butcher.—*John Daniels*, Anglesea, near Gosport, out of business.—*Benjamin Roger Ruston*, Landport, Portsea, builder.—*Daniel Derrick*, Landport, Portsea, baker.—*David Cole*, Godahill, Isle of Wight, farmer.

*At the County Court of Gloucestershire, at BRISTOL, June 29 at half-past 10.*

*Joseph H. Pecker*, Bristol, licensed victualler.

*At the County Court of Kent, at DOVER, July 7 at 11.*

*Henry J. Doogood*, Dover, short-hand writer.

*At the County Court of Warwickshire, at COVENTRY, July 1 at 10.*

*Wm. Turner*, Oldbury, cabinet maker.—*Edward Burley*, Birmingham, in no business.—*Samuel Downing*, Birmingham, tool maker.—*Robertson Barclay*, Birmingham, out of business.—*Francis Molltram*, Birmingham, out of business.—*T. Wright*, Birmingham, carter.

*At the County Court of Warwickshire, at WARWICK, July 3 at 10.*

*Edward Paget*, Marton, carpenter.—*Eliza A. Hayward*, widow, Birmingham, shoe manufacturer.

*At the County Court of Hampshire, at SOUTHAMPTON, July 3.*

*Elizabeth Millard*, Southampton, out of business.

## INSOLVENT DEBTORS' DIVIDENDS.

*Frederick Geary*, Acton-vale, Acton, Middlesex, schoolmaster: 5d. in the pound.—*Wm. Dredge*, Mount-pleasant, East-road, City-road, Middlesex, carpenter: 4s. 1d. (making 20s.) in the pound.—*Catherine Holebrook*, Hatton-garden, Middlesex, schoolmistress: 9d. in the pound.—*T. Vincent*, Southampton, captain on half-pay in the Royal York Rangers: 5s. 9d. in the pound.—*Jas. Foster*, Crookham, near Maidenhead, Berkshire, plumber: 1s. in the pound.—*G. Plummer*, Hastings, Sussex, carpenter: 5d. in the pound.—*J. Whittle*, Chorley, Lancashire, joiner: 7s. 10d. in the pound.—*Moses Thomas Ansell*, Torpoint, Antony, Cornwall, superannuated inspector of shipwrights in her Majesty's dockyard: 3s. in the pound.—*W. Clegg*, Liverpool, joiner: 5d. in the pound.—*James B. Goggin*, Tachbrook-street, Vauxhall-road, Pimlico, Middlesex, linendraper's assistant: 4s. 10d. in the pound.—*Edward Williamson*, York, out of business: 11d. in the pound.—*Geo. Williams*, Great Charlotte-street, Blackfriars-road, Surrey, commercial clerk: 1s. 11d. in the pound.

*Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn-fields, London, between the hours of 11 and 3.*

*Thomas Goddard*, Ramsbury, Wiltshire, farmer, June 21, at Rowland & Son's, Ramsbury: 7s. 6d. in the pound.

## MEETINGS.

*Charles Hooper Cope*, Hulme, Manchester, accountant, July 4 at 11, at Bagshaw & Son's, Manchester, sp. aff.—*R. Sommer Fox*, Wheelton, near Chorley, Lancashire, attorney-at-law, July 5 at 10, at Jackson's, Chorley, sp. aff.

TUESDAY, JUNE 20.

## BANKRUPTS.

- JOSIAH CHAPMAN MEEN**, Hastings, Sussex, boot and shoe maker, June 27 at half-past 11, and July 27 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Norton & Son, 1, New-street, Bishopsgate.—Petition filed June 10.
- JOHN LARKIN HOW**, Caroline-place, City-road, Middlesex, builder, dealer and chapman, June 27 at half-past 1, and July 27 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Groom & Co., 23, Bedford-row.—Petition filed June 17.
- GEORGE BOSS**, Brighton, Sussex, livery-stable keeper, dealer and chapman, June 30 at 12, and July 26 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sols. A'Beckett & Co., 7, Golden-square.—Petition filed June 19.
- HENRY ROGERS**, Warren-st., Fitzroy-square, and Brook-street, New-road, Middlesex, pianoforte manufacturer, June 30 and Aug. 4 at 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. West, 3, Charlotte-row, Mansion House, London.—Petition filed June 19.
- CHARLES THOMAS LAYCOCK**, Brighton, Sussex, perfumer, June 30 and Aug. 4 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Kennett, Brighton; Sowton, 6, Great James-street, Bedford-row.—Petition filed June 16.
- ALGIMIRO DURONI**, Fenchurch-street, London, merchant, agent, dealer and chapman, July 1 and 29 at half-past 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Oliverson & Co., 8, Frederick-place, Old Jewry.—Petition dated June 17.
- ISAAC COOPER**, Luddington, Northamptonshire, corn dealer, dealer and chapman, July 4 at 2, and Aug. 1 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Eland, 4, Trafalgar-square, London.—Petition filed June 17.
- WILLIAM MILTON**, Southborough, Tunbridge, Kent, miller and farmer, June 27 at 2, and Aug. 1 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Stanning & Carnell, Tunbridge; Smith & Co., 3, Basinghall-street, London.—Petition filed June 1.
- AUGUSTE SILVAIN BESSON**, New Bond-street, Middlesex, fancy repository, dealer and chapman, June 30 at 12, and Aug. 1 at 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Hodgson & Burton, 10, Salisbury-street, Strand, London.—Petition filed June 9.
- WILLIAM HEARN**, Stangate-wharf, Lambeth, Surrey, carrier and dust contractor, and Rainham, Essex, brickmaker, June 30 at 2, and Aug. 1 at 1, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Jones, 9, Quality-court, Chancery-lane, London.—Petition filed June 17.
- WILLIAM BANFIELD**, Wolverhampton, Staffordshire, hop merchant, July 6 and 20 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Hodgson, Birmingham; Willmott, 82, High-st., Southwark, Surrey.—Petition dated June 6.
- GEORGE IMPERIAL SHARP**, Oswestry, Shropshire, draper, dealer and chapman, July 7 at 12, and July 20 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Croxon, Oswestry; Reece, Birmingham.—Petition dated June 9.
- WILLIAM HENRY TURNER**, Brecon, innkeeper, dealer and chapman, July 3 and 31 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Watkins, Brecon; Bevan & Girling, Bristol.—Petition filed June 12.
- JOHN BLAKEHOUGH and VALENTINE BARRANS**, Bradford, Yorkshire, brickmakers, June 30 and July 28 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Taylor, Bradford; Blackburn, Leeds.—Petition dated June 9.
- THOMAS CAREY WILLARD PIERCE**, Manchester, merchant, (trading under the style of Pierce, Brothers, & Co.), July 1 and 21 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sols. Sale & Co., Manchester.—Petition filed June 17.
- THOMAS CUMMINS**, Gateshead, Durham, painter, glazier, paper hanger, dealer and chapman, June 28 at 11, and Aug. 8 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Stable & Dees, Newcastle-upon-Tyne.—Petition filed June 17.

## MEETINGS.

**William Goodall and John Birchmell**, Titherington, near Macclesfield, Cheshire, cotton spinners, July 13 at 11, District Court of Bankruptcy, Manchester, ch. ass.—*G. Taylor*, Leicester, hosier, June 21 at 10, District Court of Bankruptcy, Nottingham, last ex.—*Jos. Bailey Millington*, Marlborough-place, Harrow-road, Paddington, Middlesex, builder, June 29 at 11, Court of Bankruptcy, London, aud. ac.—*Thomas Hutchings*, Park-street, Westminster, Middlesex; Great Grimsby, Lincolnshire; and *Auston*, Yorkshire, railway contractor, June 30 at 12, Court of Bankruptcy, London, aud. ac.—*George Lawrence*, Abingdon, Berkshire, saddler, June 30 at half-past 12, Court of Bankruptcy, London, aud. ac.—*T. Ashley*, Coleman-st., Camberwell, Surrey, licensed victualler, June 30 at 11, Court of Bankruptcy, London, aud. ac.—*Francis Rufford Hewlett*, Leyton, Essex, cowkeeper, June 30 at 12, Court of Bankruptcy, London, aud. ac.—*T. Wilson and Henry Corbett*, Madras, East Indies, merchants, July 7 at 12, District Court of Bankruptcy, Manchester, aud. ac., and July 14 at 12, div. sep. est. of *T. Wilson*.—*W. Chewer and Wm. Duesbury*, Bonsal, Derbyshire, colour manufacturers, July 11 at 10, District Court of Bankruptcy, Nottingham, aud. ac. and div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Mier Levy*, Little Alie-st., Goodman's-fields, Middlesex, clothier, July 15 at 12, Court of Bankruptcy, London.—*John Thomas Holloway*, Arthur-terrace, Victoria-road, Stoke Newington, Middlesex, silk agent, July 15 at 1, Court of Bankruptcy, London.—*Wm. Henry Ludford*, Gloucester, brush-seller, July 18 at 11, District Court of Bankruptcy, Bristol.—*Charles Barnett Gibbs*, Eccleahall, Staffordshire, grocer, July 13 at 10, District Court of Bankruptcy, Birmingham.—*James Watts*, Birmingham, tobacconist, July 13 at 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*Henry Jesse*, Basingstoke, Southampton, corn factor.—*W. Cluff Hulme*, High-st., Putney, Surrey, grocer.—*J. Withers*, Oxford, chemist.—*Thomas Burrows Moss*, Little Tower-st., London, tea dealer.—*William John Hicks*, Waltham Abbey, Essex, draper.—*Wm. Livesey*, St. Alban's-terrace, Vauxhall-bridge-road, Westminster, Middlesex, smith.—*Wm. Clarke and Thos. Boulton*, Manchester, check manufacturers.

## PETITIONS ANNULLED.

*Edwin Alfred Theobald*, Bath, stationer.—*Joseph Green and Michael Green*, Liverpool, shoe manufacturers.

## SCOTCH SEQUESTRATION.

*D. Clark & Co.*, Glasgow, commission agents.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*James Taylor*, Everton, near Liverpool, out of business, June 26 at 10, County Court of Lancashire, at Liverpool.—*Jesse Warner*, Rugby, Warwickshire, bookseller, July 6 at 10, County Court of Warwickshire, at Rugby.—*H. Pritchett*, Maidstone, Kent, butcher, July 4 at 12, County Court of Kent, at Maidstone.—*Henry Addy*, Thurnham, Kent, shoemaker, July 4 at 12, County Court of Kent, at Maidstone.—*Edward Harland*, West Bromwich, Staffordshire, sub-contractor for railway work, June 26 at 9, County Court of Staffordshire, at Oldbury.—*Robert Stone*, Dudley, Worcestershire, licensed victualler, June 27 at 9, County Court of Worcestershire, at Dudley.—*Geo. Jones*, Stourbridge, Worcestershire, beer retailer, June 26 at 10, County Court of Worcestershire, at Stourbridge.—*Thomas Lewis*, Lincoln, brazier, July 4 at 12, County Court of Lincolnshire, at Lincoln.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*July 5 at 10, before the CHIEF COMMISSIONER.*

*Wm. Symons*, Bermondsey-st., Bermondsey, Surrey, out of



business.—*Geo. Blundell*, Noble-st., Brick-lane, St. Luke's, Middlesex, out of business.

*July 5 at 10, before Mr. Commissioner MURPHY.*

*James Kemp*, Bromley, Kent, carpenter.—*Samuel Kemp Richards*, Bermondsey-st., Bermondsey, Surrey, assistant to a licensed victualler.—*George Hoyle* the elder, Wapping-wall, Wapping, Middlesex, clothier.—*Limerick Shaw*, Ropemakers-st., Cripple-gate Without, London, collar maker.—*William Samwells* the younger, City-terrace, City-road, Middlesex, coach builder.—*Frederick Louis Michaelli*, Half Moon-street, Piccadilly, Middlesex, man cook.—*Wm. Spratt*, Gossett-st., Hart's-lane, Bethnal-green-road, Bethnal-green, Middlesex, shoe manufacturer.—*Champion Thomas*, Brown's-buildings, High-street, Kensington, Middlesex, grainer.

*July 6 at 11, before Mr. Commissioner PHILLIPS.*

*Thomas Rivolta*, Leather-lane, and Cross-street, Hatton-garden, Middlesex, fishmonger.—*Daniel Holder*, Claremont-mews, Claremont-square, Pentonville, livery-stable keeper, and Albany-street, Regent's-park, Middlesex, dealer in milk.—*Joseph O. Hunt*, Surrey-place, Old Kent-road, Surrey, estate agent.—*Henry Danson*, Great Queen-street, Edgeware-road, Middlesex, shoemaker.—*J. E. Girardot*, Foley-place, Marylebone, Middlesex, artist.

*Saturday, June 17.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Wm. John Hughes*, Sloane-street, Chelsea, Middlesex, civil engineer, No. 64,405 T.; *Joseph Worfolk*, assignee.—*Thomas Augustus Grimes*, High-street, Poplar, Middlesex, grocer, No. 64,447 T.; *William Oakley*, assignee.—*Wm. Rendell*, New Church-street, Liason-grove, Middlesex, fishmonger, No. 64,460 T.; *George Brooke*, assignee.—*A. Clarke*, Mickie Trafford, Cheshire, in no business, No. 77,667 C.; *J. Jones*, assignee.—*Joseph Bridge*, Preston, Lancashire, shopkeeper, No. 77,956 C.; *James Arrowsmith*, assignee.—*H. Atharley*, Oldham-road, Lancashire, out of business, No. 78,007 C.; *T. Smith*, assignee.—*Edward Ibbotson*, Sheffield, Yorkshire, farmer, No. 78,030 C.; *N. J. F. Mower*, assignee.—*William Upton*, Manchester, out of business, No. 78,041 C.; *William Smith*, assignee.

*Saturday, June 17.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*James Perkins*, Warwick-street, Pimlico, Middlesex, cheesemonger: in the Queen's Prison.—*John F. Balls*, South-st., Upper Grange-road, Bermondsey, Surrey, commission agent: in the Gaol of Surrey.—*George H. Wilson*, Stamford-street, Blackfriars-road, Surrey, printer: in the Gaol of Surrey.—*J. Yates*, Whitechapel-road, Middlesex, shoemaker: in the Debtors Prison for London and Middlesex.—*J. E. Sheppard*, Charlotte-place, Spitalfields, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*L. Roughton*, Downham-rd., Kingsland-road, Middlesex, commission agent: in the Debtors Prison for London and Middlesex.—*Elizabeth Scorra*, widow, Nelson-terrace, City-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*F. Henderson*, Pleasant-row, Shacklewell, Middlesex, surgeon-dentist: in the Debtors Prison for London and Middlesex.—*Joseph Davis*, Strand-lane, Strand, Middlesex, lodging-house keeper: in the Debtors Prison for London and Middlesex.—*Alfred B. Stride*, Cavendish-terrace, South Lambeth, Surrey, builder: in the Queen's Prison.—*Wm. G. D. Wallis*, Trinity-square, Southwark, Surrey, general commission agent: in the Queen's Prison.—*George Ruffell*, Montague-terrace, Trinity-square, Southwark, Surrey, commission merchant: in the Debtors Prison for London and Middlesex.—*Henry Easto*, Charlotte-terrace, New-cat, Lambeth, Surrey, salesman to an egg merchant: in the Gaol of Surrey.—*Edward Paget*, Marton, Warwickshire, carpenter: in the Gaol of Warwick.—*A. Brown*, Gloucester, out of business: in the Gaol of Gloucester.—*Thomas Challen*, Marlborough, Wiltshire, cheesefactor: in the Gaol of Reading.—*Thomas Leach*, Chesterfield, Derbyshire, dealer in fruit: in the Gaol of Derby.—*John Calder*, South Shields, Durham, shoemaker: in the Gaol of Durham.—*George Stone*, Brading, Isle of Wight, Southampton, out of

business: in the Gaol of Winchester.—*Thomas Hyde*, Collington, Herefordshire, farm bailiff: in the Gaol of Hereford.—*Eliza A. Hayward*, widow, Birmingham, shoe manufacturer: in the Gaol of Warwick.—*Thomas Knowles*, Birmingham, out of business: in the Gaol of Coventry.—*S. Hardaker*, York, out of business: in the Gaol of York.—*M. Lockwood*, Gildersome, near Leeds, Yorkshire, out of business: in the Gaol of York.—*C. Cooper*, Ashby-de-la-Zouch, Leicestershire, stonemason: in the Gaol of Leicester.—*M. Meakin*, Winterley, near Haslington, Cheshire, out of business: in the Gaol of Chester.—*John Adame*, Reading, Berkshire, upholsterer: in the Gaol of Reading.—*Wm. Cheesman*, Rushall-common, Speldhurst, Kent, out of business: in the Gaol of Maidstone.—*J. Perry*, Cheltenham, Gloucestershire, lawstationer: in the Gaol of Gloucester.—*James Hulme*, Macclesfield, Cheshire, out of business: in the Gaol of Chester.—*Jane Young*, widow, Leeds, Yorkshire, out of business: in the Gaol of York.—*John Harrison*, Pocklington, Yorkshire, licensed hawk: in the Gaol of York.—*Thomas Barber*, Brighton, Sussex, grocer: in the Gaol of Lewes.—*John Hartley*, Hole Trawden, near Colne, Lancashire, out of business: in the Gaol of Lancaster.—*Sarah Jones*, Shelwick, Holmer, Herefordshire, in no business: in the Gaol of Hereford.—*James Prowse Whicker*, Weymouth, Dorsetshire, tea dealer: in the Gaol of Dorchester.—*John T. Cooper*, Rothley, Leicestershire, out of business: in the Gaol of Leicester.—*George M'Dougal*, East-street, Leicestershire, assistant to a travelling draper: in the Gaol of Leicester.—*Mary Starmer*, New Cross-road, Deptford, Kent, out of business: in the Gaol of Maidstone.—*Thomas Gould*, Gravesend, Kent, licensed victualler: in the Gaol of Maidstone.—*Isaac Cohen*, Plymouth, Devonshire, travelling jeweller: in the Gaol of St. Thomas-the-Apostle.—*John Taylor*, Pendlebury, near Manchester, well sinker: in the Gaol of Lancaster.—*James Allen*, Heaton Norris, near Manchester, out of business: in the Gaol of Lancaster.—*Patrick Gormly*, Liverpool, ship broker: in the Gaol of Lancaster.—*Thomas Foster*, Liverpool, saddler: in the Gaol of Lancaster.—*Wm. Bosmoreworth*, Hulme, Manchester, builder: in the Gaol of Lancaster.—*John Wm. Hopkins*, Liverpool, out of business: in the Gaol of Lancaster.—*Richard Williams*, Liverpool, pilot: in the Gaol of Lancaster.—*Thomas Lancaster*, Liverpool, assistant to a publican: in the Gaol of Lancaster.—*Stephen Pilcher*, Chorlton-upon-Medlock, Manchester, commission agent: in the Gaol of Lancaster.—*A. Duke*, Ashton-under-Lyne, Lancashire, confectioner: in the Gaol of Lancaster.—*David Graham*, Liverpool, master mariner: in the Gaol of Lancaster.—*Edwin Shooter*, Exeter, beerseller: in the Gaol of Exeter.—*David Heaven*, Teignmouth, Devonshire, butler: in the Gaol of St. Thomas-the-Apostle.—*H. Hinton*, Gloucester, musician: in the Gaol of Gloucester.—*Thomas Griffiths*, Gloucester, retail provision dealer: in the Gaol of Gloucester.—*Thomas Elliott*, Cheddington, Buckinghamshire, butcher: in the Gaol of Aylesbury.—*Joseph Ashby*, Cheddington, Buckinghamshire, labourer: in the Gaol of Aylesbury.—*Thomas Russell*, Manchester, agent for the sale of linen goods: in the Gaol of Manchester.—*Frederick Page*, Brighton, Sussex, plasterer: in the Gaol of Lewes.—*James Davis*, Hockley, Stratford-road, Warwickshire, out of business: in the Gaol of Coventry.—*Henry Wedlake*, Bristol, tailor: in the Gaol of Bristol.—*Daniel Philp*, Westcroft-place, Hammersmith, Middlesex, baker: in the Debtors Prison for London and Middlesex.

*(On Creditor's Petition).*

*John Smith*, Dunstable, Bedfordshire, shoemaker: in the Gaol of Bedford.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*July 4 at 10, before Mr. Commissioner MURPHY.*

*Henry Baker*, Adam and Eve-court, Oxford-st., Middlesex, out of business.—*Edward Eley*, Union-place, City-road, Middlesex, engineer.—*Richard Matthias Gilbert*, High Park-terrace, Old Kent-road, Surrey, clerk to the South-eastern Railway Company.

*July 5 at 10, before the CHIEF COMMISSIONER.*

*Neocles G. Musabini*, Hunter-street, Brunswick-square, Middlesex, political writer.—*John Griffith*, Eagle-street, Red Lion-street, Red Lion-square, Holborn, Middlesex, glass cutter.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Kent, at MAIDSTONE, July 4 at 12.*

*Wm. Cheecoman, Speldhurst, out of business.—T. Gould, Gravesend, licensed victualler.—John Barnes, Walmer, sutler.—Mary Starmer, New Cross-road, Deptford, milliner.*

*At the County Court of Berkshire, at READING, July 6.*

*Thomas Challen, Marlborough, Wiltshire, cheese factor.—John Adeane, Reading, upholsterer.*

*At the County Court of Nottinghamshire, at NOTTINGHAM, July 11 at 10.*

*Thomas Bell, Nottingham, wholesale stationer's assistant.*

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LONDON, JULY 1, 1854.

SOME portions of the doctrine of release of suretyship, by acts between the creditor and principal debtor, have long been the subject of considerable doubt and conflict of opinion. There is no doubt, that, as a general rule, whenever the creditor *does* any positive act, by which he gives time to the principal debtor, without expressly reserving his rights against the surety, he releases the surety, on the principle that he has no right to vary the position of the surety. But when the creditor does some act, as between him and the principal debtor, by which time, or other indulgence, is given to the debtor, reserving expressly his rights against the surety, then there is considerable difficulty in saying when the surety is and when he is not released. From some of the cases this distinction, it would seem, is to be gathered—that if the creditor, giving time to the debtor, only covenants not to sue him, reserving his rights against the surety, that covenant shall be so read as not to amount to a variation of the position of the surety; that it is a covenant not to sue, only as between the creditor and debtor, but not a covenant not to sue if required by the surety; and that consequently the position of the surety as to his safety is not varied, his right never having been more than to require the creditor to enforce payment against the debtor. But if there is an absolute legal release of the debt, then the surety is released, although the right of

the creditor against him may purport to be reserved, because then the creditor cannot sue at law, either of his own motion or at the instigation of the surety. The distinction is not, however, very clearly established, and it remains yet to be decided whether, in truth, there is any such. One can well understand how, when a debt, and the surety for it, are released to the debtor, any reservation of the right against the surety is idle, because one can well understand that neither the creditor for himself, nor for the surety, nor the surety in his name, can sue for an absolutely defunct debt. But there is great difficulty in understanding how, when the creditor has covenanted not to sue, he could be enabled to sue at law. We apprehend that in any such action at law, the Court of law could not look at any equity, if any such there be, enabling the creditor to rebut the effect of his own covenant, because another party, a stranger to it, is the mover of the action; and the only way in which one can conceive the thing to be worked out would be by a bill in equity by the surety, to be permitted to sue in the name of the creditor, and to restrain the debtor from setting up the covenant in bar. But the first difficulty in the way of such a proceeding would be, whether the Court has any jurisdiction to restrain the debtor, in an action, which is in reality as well as in form, between him and the creditor, from setting up that legal defence which the creditor has agreed to give him.

It seems, indeed, in the case of *Newton v. Chorlton*, (2 Drew. 337), to be assumed that the surety has a right to put the creditor in motion at all times against the principal debtor; but it appears to us, that all that the learned judge who decided that case meant was, that such is the right which the surety ought to have; not that the surety could not lose the remedy for the right, but that he ought not to be deprived of it, and that if he is deprived by any act of the creditor, then such act works his release; for, in a subsequent part of the same passage, (p. 338), he says, "The surety has a right to say, 'You must

always hold yourself in a position to be placed in motion at my request against the principal debtor." The second objection to the interference of equity to put in train an action, notwithstanding a covenant not to sue by the creditor, would be this—that it would be simply an unnecessary proceeding. If the effect of the covenant not to sue is, at law, not such as to enable the defendant to plead it in bar when the action is at the instigation of the surety, then the surety can require no interference of equity: if, on the other hand, his power of enforcing his remedy at law is gone by the covenant not to sue, then it is clear that in equity, at least, his suretyship is released; and it would be time enough for equity to interfere to relieve him when the creditor attempts to proceed against him at law, supposing, which we apprehend is not the case, the creditor could proceed against him at law. We confess, it seems to us that any distinction between a covenant not to sue and a release is quite unsubstantial; and we apprehend that the law is, that any instrument by which, as between himself and the debtor, the creditor varies his own legal rights against the debtor, will also vary the rights of the surety, and relieve him, notwithstanding he may attempt or purport to reserve his rights against the surety.

In *Newton v. Chorlton* the point decided was of a different kind, viz. whether a creditor, taking, after the inception of the suretyship, additional securities, and then releasing them, thereby releases the surety; and it was held he does not, because the right of the surety is, that his position at the inception of the suretyship shall not be varied; therefore he has a right to every security held by the creditor at the date of the contract; but if the creditor afterwards gets better security, and then loses it, he puts the surety in no worse position than he was at the date of the contract.

Before concluding these cursory observations, we may call attention to a very recent case, (*Jenkins v. Robertson*, 2 Drew. 351), in which it was held, that a creditor establishing his right under a judgment in a creditors' suit against the estate of the surety, does not lose that right by afterwards suing the principal debtor at law, and giving him time. The Court considered the surety as liable no longer as surety, but under the decree, and therefore that the act of the creditor did not discharge him. It is not easy, however, to see how in such a case the principle, that the position of the surety shall not be varied, is complied with; for suppose the creditor to enforce his decree against the surety, and obtain an order for payment before the time given by the creditor to the principal debtor elapses, how could the surety proceed at law? And if it be said that the Court of equity would not permit the order for payment to be enforced, that would be, in effect, declaring the surety pro tanto released.

### THE STATUTE-LAW COMMISSION.

MR. KER's third and final report has recently appeared, with an appendix containing papers by Messrs. Anstey, Brickdale, and Rogers, and extracts from former publications by Lord Brougham.

Mr. Ker thus recapitulates his suggestions as to how a permanent board or commission could be best employed in the improvement of the statute law, future as well as past:—

"1st. The gradual consolidation or rewriting of the statute law, combining, of course, with such consolidation or rewriting, all such improvements of the law as can be suggested; in short, continuing the process which has long been applied to isolated subjects and in a desultory way, but in a more rapid, careful, and uniform manner, thus at once producing immediate relief to the public from the present confused state of

the statutes, improving the law where it requires improvement, incidentally clearing the statute-book of obsolete and unnecessary matter, setting an example of an improved style and form in drawing acts of Parliament, which may reasonably be expected to have considerable influence, and also (if the time is to be looked forward to when the formation and passing of a complete code of English law will be possible and expedient) collecting and preparing the materials for such a code—an intermediate process which I feel satisfied must be gone through before the law as it now exists can be transformed into anything that can properly be termed a code. (Second Report, pp. 9—14).

"2nd. Preparing or settling bills for the Government and such other parties as should choose to apply to them, and making reports on such bills, not settled by themselves, as should be referred to them. (Second Report, p. 13). To which I may add another important function, to which I did not refer in my former reports, but which has been pointed out to me by Lord Brougham, whose vigilance and experience never allow any opportunity for practical reform of the law to escape him, namely,

"3rd. Watching bills in their progress through the two Houses, and reporting on all alterations which appear to make the enactments inconsistent with themselves or with other branches of the law, or which otherwise require notice.

"4th. I have further submitted that anything in the nature of a complete digest or consolidation into a code, either of the statute law alone, or of the statute and common law combined, cannot be commenced at present. (Second Report, pp. 11—14).

"5th. And also, that it is not advisable at present to attempt to publish or enact anything in the nature of what is popularly understood by a revised edition of the statutes. (Second Report, pp. 5, 6).

"6th. Nor to attempt to pass a general declaratory act, abrogating all the statutes already repealed, expired, or otherwise not in force. (Second Report, pp. 7, 8).

"7th. Nor to prepare any pure digests or consolidations of the existing law, not in the form of bills, but merely for the information of the Legislature and the public, or as materials for future bills—a process which, though not without its utility, would not, in my judgment, repay the labour and time which it would require. (Second Report, p. 9). [Yet a process which is necessarily gone through in a more or less perfunctory manner, and with proportional risk to the result, whenever any attempt is made to amend the law. We conceive that the bills of a consolidation board would not be received by the Profession with any confidence if they were not accompanied by a full statement of the materials employed, which, for the convenience of the draftsman as much as others, must be classified.]

"Some disappointment has been expressed at the apparently humble nature of the proposals, and in particular it has been objected, that my doubts as to the practicability of the consolidation of the whole of our statute law at once cannot be reconciled with my recognition of the complete success of a similar experiment in some of the United States of America."

The substance of Mr. Ker's answer to this objection is, that the American codes were prepared and passed with the support of a public opinion almost amounting to enthusiasm in favour of the code, the reverse of which is to be expected here; that the laws and legislative machinery of one state of a confederation are more manageable than those of an empire; that in each state there was greater unanimity of opinion on the matters included in the code than can ever be hoped for here in respect of our laws, which include such subjects as the Church establishment, foreign and colonial relations, the laws of property in their relation to the different



classes of society, the representation of the people, partnership, capital punishment, &c.; and that while, as a consequence of the popularity of the American codes, they received from the Courts a liberal interpretation, it is to be feared that a British code would be interpreted and administered by our own judges in a narrow, hostile, and carping spirit. Now, it is conceded that the difficulties are greater here than they were in America, but they are not different in kind; and the question is, whether we shall encounter them and do the work properly, or shirk them and be always pretending to do it; for the *gradual* consolidation of the statute law on the plan proposed by Mr. Ker would never be more than a pretence of approximating to such a code of the written law as is desirable and possible. The whole and all the parts of a well-arranged code are mutually dependent, and we might as well attempt to consolidate all the knitting-needles in Galway gradually into a stocking-mill as to make and pass a code by instalments.

No code can be worth its inevitable cost which is not founded on a principle of arrangement including every possible subject of legislation, so that new enactments may be referred with certainty to their proper places, and amendment may no longer mean derangement. Before the code is commenced, the province or scope of the statute law must be defined, that draftsmen may not have to trust to their wits and good fortune for the solution of such questions, for example, as that discussed by Mr. Brickdale à-propos of his Wills Bill, whether a rule of construction is a proper subject for enactment, and if proper, how it should be dealt with. And provision must be made for uniformity of style in the code and its amendments, not by settling a statutory vocabulary and phrase-book, but by investigating the logical elements of written law, and establishing general formulae of enunciation. Mr. Coode, in his pamphlet on "Legislative Expression," has opened up this part of the ground with great ability; but much remains to be done, and especially with respect to the enunciation of enactments respecting what Blackstone calls the "rights of things."

Nothing of this kind has been attempted or suggested by the contributors to the present report. They have taken possession of their province of the statute law, and commenced the work of re-organisation without pausing to define its limits; yet the definition is not hard to settle, and when settled it separates the field of work from a wilderness in which many legislators have been lost. The principle of our constitution and laws is, that, subject to alteration by the Legislature, every part of our social economy is regulated by precedent. This precedent, by whatever jurisdiction obeyed or enforced, is the common law in its widest sense. Even the Legislature is subject to precedent, and must submit its cubs to those ragged nurses of whom Mr. Ker complains, in their dens to be licked into shape and acquire regular habits—their second or common-law nature.

By precedent we mean, as we have before explained, (17 Jur., part 2, p. 459), a decision on an individual case, involving a principle, to be deduced, not literally from the words of the judgment, but by induction from the circumstances and the decisions in that and in other cases founded on or illustrating the same principle. Practical lawyers know (what amateur reformers can scarcely be made to credit or even conceive) that this induction from precedent is far more easy and certain than the interpretation of the most exact written law. Upon it alone depends the existence of the law as a science, its applicability to new and unforeseen cases, and such certainty as it has; and the sovereignty of precedent is the origin and essence of political and social freedom, for it is "the breach of custom that is breach of all." Where, as in France, precedent is not re-

garded, law cannot be a science, and no code can secure an impartial, pure, and certain administration of justice. It is the fashion to assert, that while the science of law flourishes abroad, it scarcely exists in England; but the saying is most in the mouths of those who know least of English law. We have satisfied ourselves, both from the internal evidence afforded by the works of foreign jurists, and by conversation with more than one practical foreign lawyer, that though the libraries of France and Germany are rich in dilettanti legal literature, legal science has very little to do with the administration of the laws in those countries.

When the common law is said to be flexible, the meaning is, not that it can be bent to the wishes of the executive, but that it is applicable to every new combination of circumstances by reason of it proceeding on principles deduced or deducible, like the laws of nature, from observation, and not limited by any text or formal enunciation; and thus the flexibility of the common law and its certainty are due to the same cause. A system of law depending entirely on precedent may be defective or objectionable in substance, but its indications in any case that arises are absolutely certain, so far as anything depending on the fallible apprehension and reason of man can be so.

The province of the statute law is, from time to time to supply the omissions of the common law, to alter its rules when they are deemed impolitic, and to abrogate its precedents when they are found to be erroneous. If the Legislature goes beyond its province of enacting new rules, and attempts to reduce any part, however insignificant, of the common law to a text, without the design of altering it, it incurs, for no object, the certainty of unsettling the law, and a great risk of altering it in an unforeseen manner. The task of dealing with erroneous precedents is peculiar, and has seldom been properly performed. When a case decided contrary to principle is binding or likely to be followed as a precedent, and the inconvenience justifies legislative interference, the right course seems to be, not to attempt a declaration of the law, which will necessarily be imperfect, but simply to lead the Courts back to the scent, by enacting that the erroneous precedent shall not be an authority. Thus the rule in *Dumport's case* might be abolished, by enacting that,

"When a Court of justice has to decide a question touching the subsistence of a condition, such Court may decide the question without regard to the authority of *Dumport's case*, Coke's Reports, part 4, page 119, or of any case decided to the like effect before this enactment."

Here is no saving of cases in which the abrogated precedent has been already in any manner acted upon, because such cases may be more safely left to the discretion of the Courts. Another example is suggested by Lord St. Leonards' Act to amend the Law of Wills:—

"When any Court of justice has to decide on the validity of a will made before or after this enactment, with respect to the position of the testator's signature, such Court may decide the question without regard to the authority of any decision made before this enactment."

Mr. Brickdale, in a paper printed with the first report, rightly describes the statute law as "only a collection of fragmentary exceptions and alterations, unintelligible except with reference to the whole law, which is to be found elsewhere." From this he infers that a digest of the statute law will not be a manual of the law, or in fact present any of the advantages which are generally expected from a digest [of the whole common and statute law.] That is true, but the duty of the commissioners was to ascertain the right course, and to follow it, without regard to what was generally



expected. If Mr. Brickdale still dreams of a manual of law, let him read Mr. Justice Coleridge's letter on the Criminal Law Bills. The statute law, whether in its present form or in that of a code, must always be a collection of fragmentary exceptions and alterations; and until the commissioners acknowledge and act on that truth, they will labour in vain.

Mr. Ker repeats, and insists on his proposition, that the processes of digesting and amending cannot be separated. That is so with regard to the result, but in preparing for that result the processes are necessarily conducted separately, and should be so recorded. The consolidator first collects and arranges the existing statutory materials; then determines what amendments (not in the design, but in the execution) are necessary; and, finally, expresses the result in his own language. No one will trust any draftsman or board to do this and to report merely the result, with an intimation that such and such alterations have been made. The arranged collection of the old materials must be submitted, with the bill, to professional criticism, as a safeguard against omissions and errors—as a test, in short, both of the bill and of the draftsman.

Mr. Anstey's contribution consists principally of a bill to consolidate the laws relating to the national debt, with some accessory bills relating to the consolidated fund, public officers of the civil service, public salaries, annuities, pensions, and allowances, &c., and explanatory observations. This appears to be a conscientious and able performance. There is also a bill, in nineteen sections, "for the interpretation of enactments," in which Mr. Anstey says he has "endeavoured to enact the more common interpretation clauses of statutes, and to supply a few others, but above all to render the rules of judicial construction more simple, broad, and uniform." We shall presently notice some clauses of this bill.

Mr. Brickdale presents drafts of new statutes on wills and on apportionments, and Mr. Ker refers to them as affording materials for considering the advantage of "enunciating principles of law in a very general and abstract manner," as contrasted with the more usual method of attempting to anticipate misconstruction by an enumeration of particulars—a practice which, Mr. Ker says, has originated in, and has reacted on, the unwillingness, if not inaptitude, on the part of the Bench to do justice to statutes drawn in general and abstract terms—an unwillingness or inaptitude which he thinks is apparent in the tone and general character of the comments lately made by the judges on the Criminal Law Bills submitted to them by the Lord Chancellor—comments which have drawn upon them the almost ubiquitous criticism of a noble law reformer\*. It is not surprising that Mr. Ker, a member of the Criminal Law Commission, and Lord Brougham, its zealous champion, should dissent from the judges' condemnation of the bills; but we cannot see anything objectionable in the tone and general character of their comments, with the exception of those by the late Mr. Justice Talfourd. The judges unanimously recommend that the statute criminal law should be digested, and that the common law should be left undisturbed in its present form, except in those particulars in which it requires alteration—a recommendation which proves that the judges have taken a more enlarged and just view of the subject than the Criminal Law Commissioners. Hear Mr. Justice Wightman:—

"With respect to so much of the criminal law as is founded on statutes, I am not aware of any well-founded objection to the reduction of it into a single statute or partial code, or of any difficulty in the framing of such a code. The case, however, is very different with respect to that part of the criminal law which depends upon the common law. In applying the rules and principles of the common law to any particular case, the Court is not fettered nor embarrassed by being obliged to put a construction upon particular words or expressions, but it is sufficient if the case falls within any rule or principle to be deduced from the authorities. If, however, the whole of the criminal law were reduced into one or more statutes, that part of it which now depends upon the common law would become statute law, and, like other statute law, must be construed according to the words and expressions used in the statute, and not according to general rules and principles, at the risk of raising difficulties, uncertainties, and doubts, from which the law as it exists at present may be free, and which it may not be easy or even possible to foresee, until the law as altered is subjected to the test of actual practice and experience."

Whether the criticisms of the judges on the details of the Criminal Law Bills were captious or not may be a matter of opinion, but that they have frequently hit the mark is proved by the admissions of Messrs. Graves and Lonsdale, in their printed apology for the bills.

Mr. Ker does not express himself very clearly on this question of style, but his meaning seems to be, that while statutes expressed in very general or abstract terms are not likely to be properly construed by the judges, statutes drawn on the opposite principle are liable to fail from intrinsic defects; and that the drafts of new statutes on wills and on apportionments by Mr. Brickdale are submitted as specimens of the scientific style of drawing, and to raise the question as to their probable reception by the judges—a question of great importance, if it had any foundation in fact; for what the present judges as a body are, the Bench will probably be in all times, unless Mr. Ker hopes by an improved code to educate the rising judicial generation into better ways of thinking. We conceive, however, that there is no foundation for the doubt, and that it will be found that whenever the judges have had the privilege of construing a well-drawn enactment they have shown themselves competent and worthy of the trust.

Mr. Ker bespeaks a favourable consideration of Mr. Brickdale's bill as contrasted with the Wills Act, which was prepared with the assistance of all the learning of the day. We cannot admit this plea, for the draft is proposed as a model, and Mr. Brickdale has had the advantage not only of the Wills Act—the cream of the learning in question—but also of all the able forensic and other comments made upon it since it became law; and, not to mention Mr. Ker's assistance, which we take for granted, the draft has, if we are not mistaken, received improvements from a hand inferior to none of those concerned in settling the Wills Act.

Mr. Brickdale has here, and more at length in another paper, some remarks on the use of interpretation clauses and definitions which deserve attention. His conclusion seems to be, that definitions may occasionally be useful—symbols, such as require interpretation clauses, never. Ours, on the contrary, is in favour of the occasional use of symbols, and the absolute exclusion of definitions. Mr. Brickdale says, "The definition of terms which are really ambiguous is something quite different from the ordinary 'interpretation clauses' or 'glossaries.' No doubt there are a certain number of such terms (though I have not at present a list of any to offer) which might be defined with advantage." And he says that the operation should be confined to such words. His instances are "month" and "England." But the only inconvenience with

\* See the articles on the letters of the judges in the last numbers of the *Edinburgh Quarterly*, and *Law Reviews* respectively. That in the *Law Review* is by far the most successful and amusing: in point of soundness and candour they are on a par.

respect to these and similar words is, that precedents have affixed to them a meaning in the courts which is not the usual one. If permission were given to the judges to read "month" as meaning a calendar month, and "England" as including Wales, whenever they should think that to be the meaning, there would be an end of the inconvenience. But to enact that those words should always have those meanings would be an interference with language in the opposite direction. No word is ambiguous if it is properly used, and the use of words does not require or admit of legislative aid. If a word becomes ambiguous, in a critical sense, from improper use, either the meaning can be inferred from the subject-matter and context—a process peculiarly fit to be left to the unfettered intelligence of the Courts—or it cannot, in which case the composition becomes nonsense, and judicial and legislative interpretation must be equally at fault.

Mr. Brickdale's observations on those symbols which are the subjects of the ordinary interpretation clauses and are adopted for convenience merely would be very just if they were confined to the abuse or unskilful use of them; but to say that the use of arbitrary symbols, which is the soul of the calculus in every form, and is an important element in all technical language, is wholly inadmissible in legislative expression, is a startling proposition. Let us ask Mr. Brickdale how he would have framed the Reform Act, or the Property and Income Tax Act, without using the symbols, "Schedule A.," "Schedule B.," &c., or others equivalent to them? Wherever a long phrase or an assemblage of many particulars has to be frequently repeated, a short symbol for it is useful. The only points to be attended to are, that the game is worth the candle, and that the symbol is such and so used as not to satisfy the reader by its intrinsic meaning, but to suggest to him, if he does not already know it, the necessity of referring to a glossary. The expedient of printing interpreted words in italics has been suggested, but it is safer to rely on the skilful choice of them.

(To be continued).

### Correspondence.

#### COUNTY COURTS AND SUPERIOR COURT JUDGMENTS.

TO THE EDITOR OF "THE JURIST."

SIR,—I am obliged to "A Constant Reader" for referring me to the case of *Winsor v. Dunford*, (12 Jur., part 1, p. 629), in answer to my letter inserted in No. 907 of your journal, but which I find has been overruled by the operation of the 18th section of the County Courts Extension Act, 13 & 14 Vict. c. 61, viz. "That if any party shall sue another in any county court for any debt or other cause of action for which he hath already sued him and obtained judgment in any other court, the proof of such former suit having been brought and judgment obtained may be given, and the party so suing shall not be entitled to recover in such second suit, and shall be adjudged to pay three times the costs of such second suit to the opposite party."

This, I submit, settles the question; and beg to add, that I should not have troubled you with this correspondence had it not been induced by the second paragraph of "A County Court Judge's" letter in THE JURIST, No. 904.

When I first addressed you I was not thinking of the converse case of an action in a superior court on the judgment of a county court, which is not allowed, but only of the question the subject of this discussion; nevertheless I thank you for referring me to cases bearing upon the point.

I am, Sir,  
Your obedient servant,  
J. B. H.

[The enactment cited by our correspondent applies to a second suit in a county court for the same cause of action. A plaint on a judgment recovered is founded on a new cause of action, and is not within the enactment.—Ed.]

### REGULA GENERALIS.

#### ORDER OF COURT.—June 21, 1854.

THE Right Hon. ROBERT MONSEY Lord CRANWORTH, Lord High Chancellor of Great Britain, doth hereby, in pursuance of an act of Parliament passed in the fifteenth and sixteenth years of the reign of her present Majesty, intituled "An Act for the Relief of the Suitors of the High Court of Chancery," and in pursuance and execution of all powers enabling him in that behalf, order and direct as follows, that is to say—

I. From and after the 2nd July, 1854, all office copies and other copies of pleadings, proceedings, and documents in the Court of Chancery shall (except in the cases hereinafter mentioned) be counted and charged for after the rate of seventy-two words per folio, and where such copies or any portion thereof shall comprise columns containing figures, each figure shall be counted and charged for as one word.

II. From and after the 2nd July, 1854, the charge for all transcripts of accounts made in the office of the Accountant-General shall be after the rate of 2s. for each opening of such transcript, consisting of the debtor and creditor sides of the account to be entered therein.

III. The charges hereinbefore directed to be made shall be paid by means of stamps, according to the General Orders of the Court of Chancery in that behalf now in force, so far as relates to documents furnished by the said Court.

(Signed) CRANWORTH, C.

### Court Papers.

#### EQUITY CAUSE LISTS, AFTER TRINITY TERM, 1854.

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—A. Abated—Adj. Adjourned—A. T. After Term—Ap. Appeal—C. D. Cause Day—Cl. Claim—C. Costs—D. Demurrer—E. Exceptions—F. D. Further Directions—M. Motion—P. C. Pro Confesso—Pl. Pleas—Ptn. Petition—R. Rehearing—S. O. Stand Over—SA. Short.

#### Court of Chancery.

Before the LORDS JUSTICES.

APPEALS, &c.  
Cockell v. Bacon S O  
Ware v. Earl Egmont  
Attorney-Gen. v. Clapham  
Evans v. Evans }  
Same v. Saunders }

Freeman v. Freeman  
Sherwin v. Shakespear (part heard)  
Smith v. Adams  
Powys v. Blagrave  
Moss v. Bainbridge (3 titles).

#### Before the Right Hon. the MASTER OF THE ROLLS. CAUSES, &c.

Wilson v. Harley (Cause, part heard) Mich. T.  
Pollard v. Pollard } (Cl)  
Pollard v. Pollard }  
Rooth v. Tomlinson } (F D, C)  
Same v. Same }  
Attorney-Gen. v. Earl Waldegrave (Cause)  
Leigh v. Taylor (Cause)  
Morris v. Owens (E)  
Laxton v. Eedle (Further con.)  
Digby v. Jackson (Cl)  
Row v. May (Cl)  
Machell v. Mangles (Cause, part heard)

Tench v. Cheese (4 titles, F D, C, Ptn)  
Wilks v. Cowell (M for decree)  
Brialey v. Stone (M for decree)  
Dunn v. Salisbury (Cause)  
Richardson v. Mann (M for decree)  
Hemiker v. Charretie (Cause)  
Att.-Gen. v. Wyvill (Cause)  
Goody v. Sugden (M for dec.)  
Lord Brougham v. Lord W. Powlett (Special cause)  
Kent v. Kendall (Cause)  
Walbrond v. Crease (Further consideration)

- Perry v. Meddowcroft (9 titles, F D, C)  
 Parker v. Bloxham (M for dec.)  
 Knight v. Pycroft (M for dec.)  
 Ilaley v. Chubb (Cause)  
 Earl of Strathmore v. Lady Glamis (M for decree)  
 Harford v. Criddle (Cause)  
 Att.-Gen. v. Governors of the Poor of Ely (Cause)  
 Att.-Gen. v. Wimborne Grammar School (F D, C, Ptn)  
 Smith v. Smith (Cause)  
 Robinson v. Robinson (Further consideration)  
 Alexander v. Brame (Further consideration)  
 Cotesworth v. Armstrong (M for decree)  
 Christie v. Highett (Sp. case)  
 Egarr v. Egarr (Further consideration, Ptn) SA  
 Lord Camoys v. Beat (Sp. ca.)  
 Skingley v. Skingley (Further consideration)  
 Kerwin v. Armitage (Further consideration)  
 Willmette v. Martin (Cause)  
 Strachan v. Strachan (Cause)  
 Dix v. Burford (Cause)  
 Bateman v. Margerison (3 titles, F D, C)  
 Hodding v. Minshall (Cl)  
 Walker v. Neale (M for dec.)  
 Worts v. Cubitt (Special case)  
 Calley v. Richards (M for decree) SA  
 Barker v. Marsden } (F D, C)  
 Barker v. Wiffs  
 Palmer v. Ward (M for decree)  
 Middleton v. Unsworth (Can.)  
 Bateman v. Hotchkiss (2 tits., further consideration)  
 Burkill v. Burkill (2 titles, Cause)  
 Newbegin v. Bell (Cause)  
 Dawson v. Stone (Cause)  
 Finch v. Shaw (Cause)  
 Celyer v. Finch (Cause)  
 Wood v. Surr (Cause)  
 Beetham v. Merigan (Further consideration)  
 Day v. Day (4 titles, F D, C)  
 Wheeler v. Addams (Further consideration)  
 Lucena v. Parkes, (2 titles, F D, C)  
 Shackley v. Shackley (Cl)  
 Purchas v. Purchas (M for decree)  
 Underwood v. Wing (Cause)  
 Tanaley v. Mousley (M for decree)  
 Lobley v. Stocks (Cl)  
 Oxley v. Miller (Cause)  
 Field v. Moore (M for decree)  
 Coyle v. Alleyne (Further consideration)  
 Cubitt v. Blake (Further consideration)  
 Lyddon v. Ellison (M for dec.)
- Bradley v. Scott (3 titles, F D, C)  
 Atherton v. Crowther (4 titles, Further consideration)  
 Roy v. Pickernell (Further consideration)  
 Hardman v. Naylor (Sp. case)  
 Swan v. Holmes (Special case)  
 Wickham v. Nicholson (M for decree)  
 Wilkinson v. Porter (M for decree)  
 Kearley v. Kearley (Cl)  
 Chilton v. Molyneux (Cl)  
 Farr v. Gaskell (2 titles, Further consideration)  
 Green v. Badley (4 titles, F D, C)  
 Chambers v. Elliott (M for decree)  
 Glennie v. Boyd (M for decree)  
 Harrison v. Cattlin (Cl)  
 Gray v. Haig (2 titles, E, F D, C)  
 Bentley v. Dibb (Cl) SA  
 Abadam v. Abadam (Cause)  
 Marsh v. Marsh (Cl)  
 M'Keone v. Seaber (Cause)  
 Abadam v. Abadam (Cause)  
 Hitchen v. Gill (M for decree)  
 Dean v. Slatier (Further con.)  
 Daniel v. Gosset (Cause)  
 Scrivens v. Canlin (Cl)  
 De Trafford v. Tempest (Can.)  
 Phillips v. Borrow (Further consideration)  
 Strickland v. Shaw (Cause)  
 Boote v. Barker (4 titles, F D, C)  
 Cowell v. Wilks (M for decree)  
 Dawes v. Ridgway (M for decree)  
 Farrington v. Fenn (Cause)  
 Lyddon v. Harrison (M for decree)  
 Clark v. Monk (Further cons.)  
 Wilmot v. Wilmot (M for decree) SA  
 Street v. Worsley (M for decree) SA  
 Forster v. Meuzies (Further consideration)  
 Capel v. Shrapnel (M for dec.)  
 Harris v. Farwell (2 titles, Further consideration)  
 Browne v. Thomas (Further consideration)  
 Gwynne v. Gell (Cause)  
 Gwynne v. Clutton (Cause)  
 Bentley v. Oldfield (Sp. case)  
 Att.-Gen. v. Pickering (F D, C)  
 Davison v. Mason (Cl)  
 Ashwell v. Luff (Cl)  
 Att.-Gen. v. Peacock (M for decree) SA  
 Surtees v. Parkin (F D, C)  
 Davies v. Griffiths (Further consideration)  
 Allen v. Allen (Cause)  
 Weston v. Harrison (Can.) SA.
- Money v. Money } (Cause)  
 Money v. Taylor  
 Barron v. Barron (M for dec.)  
 Etches v. Etches (M for dec.)  
 Wright v. Vernon (Cause)  
 Corporation of Basingstoke v. Bolton (Cause)  
 Martin v. Simpson (Cause)  
 Bartlett v. Wright (M for dec.)  
 Abberley v. Sherwin (Cause)  
 Mundy v. Morrison (Cl)  
 Bridger v. Blake (2 tits., Can.)  
 Blackburrow v. Powell (Cl)  
 Drew v. Sheddin (M for dec.)  
 Attenborough v. Edwards (Cause)  
 Howse v. Seagoe (Further consideration)  
 Bush v. Paterson (Cause)  
 Stoneham v. Dixon (2 titles, F D, C)  
 Staley v. Barrett (Cl)  
 Heath v. Chapman (2 titles, Further consideration)  
 Dormer v. Phillips (Cl)  
 Brown v. Spurrell (Cl)  
 Hall v. Jordan (M for decree)  
 Gillingham v. Baker (Cause)  
 Stobart v. Todd (Cause)  
 Tracey v. Lawrence (M for decree)  
 Cliffe v. Cliffe (M for decree)  
 Walters v. The Northern Coal Mining Co. (Cause)  
 Phillips v. Powell (M for de.)  
 Thompson v. Beasley (Cl)  
 Dewell v. Tufnell (Cause)  
 Stretton v. Ashmall (Cause)  
 Thomas v. Chapman (Cl)  
 Stables v. Thwaites (Cause)  
 Mackley v. Smith (Cl)  
 Dampier v. Brickwood (M for decree)  
 Forrest v. Bowen (Cause)  
 Bennett v. Lorking (M for decree)  
 Gossip v. Wright (Cause)  
 Croase v. Robinson (Cl)  
 Darwell v. Roper (M for dec.)  
 Wallace v. Blackwell (Cause)
- Augin v. Eastern Union Railway Co. (M for decree)  
 Att.-Gen. v. Vansittart (Can.)  
 Fisher v. Baldwin (Cause)  
 Blake v. Gregson (Cause)  
 Coombs v. Mansfield (2 titles, Cause)  
 Nixon v. Masterton (M for decree)  
 Lukey v. Higgs (Cl)  
 Sutcliffe v. Croose (M for dec.)  
 Salmon v. Baker (Cl)  
 Birley v. Owen (Cl)  
 Clements v. Pulman (Cause)  
 Yeates v. Roberts (M for dec.)  
 Colvin v. Lord (Cause)  
 Fenton v. Clayton (2 titles, F D, C)  
 Hodgkins v. Hodgkins (2 titles, F D, C)  
 Latimer v. Bennett (5 titles, F D, C)  
 Maybery v. Brooking (Rel.)  
 Upton v. Forster (Cause)  
 Welton v. Crackwell (M for decree)  
 Gough v. Lewis (2 titles, Ca.)  
 Summers v. Summers (Cl)  
 Othos v. Iveson (M for decree)  
 Hedge v. Pinn (Cl)  
 Castell v. Gibson (Further consideration) SA  
 Ward v. Yates (Cl)  
 Pollard v. Doyle (2 titles, Ca.)  
 Goaling v. Goaling (Cl)  
 Commeral v. Hall (3 titles, F D, C)  
 Wright v. Briggs (3 titles, Cause)  
 Houlding v. Cross (Sp. case)  
 Belcher v. Lockey (4 titles, F D, C)  
 Horlock v. Horlock (3 titles, F D, C) SA  
 Fuller v. Fuller (Further consideration) SA  
 Gurney v. Gurney (Cl)  
 Edwards v. Blandford (Cause)  
 Wilkinson v. Chamberlain (Cause) SA.

#### Before Vice-Chancellor Sir J. STUART.

##### PLEAS, DEMURRERS, CAUSES, &c.

- Hope v. Hope (M for decree)  
 Bristowe v. Hunt (Cause)  
 Newhouse v. Smith (Cause)  
 Warner v. Governors & Company of the Copper Miners in England (E, 2 sets)  
 Bell v. Barnfather (F D, C)  
 Wildes v. Davies (6 titles, F D, C)  
 Hancock v. Lang (F D, C)  
 White v. Self (Cl)  
 Simpson v. Sadd (Cl)  
 Davies v. Thomas (M for decree)  
 Hawkins v. Gardiner (Cause)  
 Att.-Gen. v. Alford (Further consideration)  
 Nelmes v. Evans (E)  
 Ware v. Watson } (F D, C)  
 Ware v. Watson  
 Golds v. Greenfield (Sp. case)  
 Harries v. Lewis (3 titles, F D, C)  
 Dornford v. Foskett (2 titles, Cause)  
 England v. Davis (Cause)  
 Thomas v. Cooper (F D, C)
- Clarke v. Browne (Cause)  
 Lillie v. Wilson } (F D, C)  
 Same v. Davey  
 Williams v. Williams (E, F D, C)  
 Kemp v. Eastern Union Railway Co. (Cause)  
 Lewellin v. Cobbold (Cause)  
 Kendall v. Pincet (Cl)  
 Harrison v. Mayor of Southampton (Cause)  
 Bates v. Brothers (Cause)  
 Collison v. Heyes } (F D, C)  
 Welaby v. Same  
 James v. Lord Wynford (4 titles, Further consideration)  
 Upton v. Jentzen (M for dec.)  
 Webb v. Walter (3 titles, F D, C)  
 Hornby v. Atkins (M for dec.)  
 Leach v. Bussell (Cause)  
 Tottenham v. Emmett (Cause at request of defendant)  
 Wolfenden v. Whitehead (3 titles, F D, C)  
 Beauland v. Bradley (M for decree)

#### Before Vice-Chancellor Sir RICHARD T. KINDERSLEY.

##### CAUSES, &c.

- Pearce v. Peck (Cl)  
 Lord v. Colvin (Cause)  
 Way v. Way (Cause) M. T.  
 Parker v. Sowerby (Further consideration)  
 Appleyard v. Holt (E)
- Drew v. Sheddin (Cause, with Supplemental Bill)  
 Wynch v. Grant } (F D, C)  
 Wynch v. Grant  
 Coffield v. Anderson (M for decree)

Bartrum v. Ford (M for dec.)  
 Smith v. Farr (8 titles, F D, C)  
 Kitchen v. Kitchen (M for decree) SA  
 Jones v. Williams (F D, C)  
 Oram v. Redpath (F D, C)  
 Wisden v. Wisden (F D, C)  
 Morison v. Morison (12 titles, E)  
 Bird v. Charrington (Further consideration)  
 Bate v. Hooper (F D, C)  
 Popple v. Henson (F D, C)  
 Stockey v. Countse (Further consideration)  
 Williams v. Bancroft (Cl)  
 Jones v. Jones (Cause)  
 Jackson v. Lowther (Cause)  
 Steele v. Steele (3 titles, F D, C)  
 Chapman v. Great Northern Railway Co. (F D, C)  
 Johnson v. Johnson (F D, C)  
 Angell v. Yates (Cl)

Butterfield v. Rayner (F D, C)  
 Biddulph v. Duckett (Further consideration) SA  
 Fisk v. Wiggins (Cause)  
 Fremont v. Hoffman (Cause)  
 Raven v. Canning } (F D, C)  
 Same v. Same }  
 Morgan v. Mason (Cause)  
 Hammerton v. Milnes (M for decree)  
 Baydon v. Whitehead (Cause) SA  
 Jeutzen v. Brooks (Cause)  
 Waters v. Waters (2 titles, F D, C)  
 Lewin v. Pennell (M for dec.)  
 Newling v. Browne (Cause)  
 Lucas v. Farr (M for decree)  
 Meynell v. Surtees } (Cause)  
 Same v. Same }  
 Hordern v. Smith (Cl)  
 Powell v. Merrett } (Further  
 Same v. Same } consider.  
 Wake v. Wake (Further cons.)  
 Bonham v. Smith (Cl).

*Before Vice-Chancellor Sir W. P. Wood.*

PLEAS, DEMURRERS, CAUSES, &c.

Dehrymple v. Hannah (Cl)  
 Lane v. Hollings (Cause)  
 Harrod v. Harrod (Cause)  
 Pike v. Wilson (Cause)  
 Tiskley v. Tiskley (M for dec.)  
 Ladhov v. Stevenson (Further consideration)  
 Ashton v. Savage (Cause)  
 Stokes v. Morris (Cl)  
 Earl of Lonsdale v. Countess Berchtoldt (Cause)  
 Gerard v. Gerard (M for dec.)  
 Tigwell v. Forward (Cause)  
 Nash v. Hodgson (E, F D, C)  
 Williams v. Williams (Cause)  
 Hodgson v. Kerry (M for dec.)  
 Dent v. Dent (Cl)  
 Redhead v. Brayshaw (Cl)  
 Bessard v. Whalley (Cause)  
 Dixon v. Walker (Cl)  
 Hubback v. Wilson } (Cause)  
 Welch v. Wilson }  
 Simmons v. Bates (Further consideration)  
 Maniere v. Leicester (M for decree)  
 Hoskins v. Matthews (Cause)  
 Woodlams v. Nisbett (M for decree)  
 Tatlock v. Jenkins (Further consideration)  
 Rees v. Rees (M for decree)  
 Coles v. Foster (Further con.)  
 Avery v. Langford (Cause)  
 Hunt v. Hunt (M for decree)  
 Martin v. Wellstead (Cause)  
 Nash v. Allen (Further con.)  
 Fleming v. East (Further con.)  
 Black v. Vanning (M for dec.)  
 Pratt v. Rumball (Cl)  
 Smith v. Pavier (Cause)  
 Vale v. Meredith (Cause)  
 Hart v. Tobias (M for decree)  
 Openshaw v. Robinson (Sp. case)  
 Haviland v. Cox (Cause)  
 Lee v. Lee (3 titles, F D, C)  
 Roberts v. Cooper (M for dec.)  
 Pearson v. Wilcox (Further consideration)  
 Forryth v. Elliot } (F D, C, &  
 Same v. Same } rem. E)

Griffiths v. Hatchard (Sp. case)  
 Day v. Day (Special case)  
 Harris v. London and North-western Railway Co. (M for decree)  
 Clarke v. Sturgis (M for dec.)  
 Prince v. Prince (Special case)  
 Knight v. Storry (Further consideration)  
 Gould v. White (Further con.)  
 Jenkinson v. Harcourt (Special case)  
 De Balenhard v. Bullock (Further consideration)  
 Thornhill v. Gordon (Sp. ca.)  
 Bankart v. Crafton (E)  
 Clement v. Pulfman (Cause)  
 Hawksbee v. Hawksbee (Further consideration)  
 Wharton v. Barker } (Cause)  
 Same v. Cheshire }  
 Boyse v. Colclough (M for decree)  
 Hall v. Satchell (M for decree)  
 Spickemell v. Hotham (E, F D, C)  
 Donaldson v. Donaldson (M for decree)  
 Husler v. Hutchinson (Cause)  
 Feetham v. Wilson (Cause)  
 Wilkinson v. Harvey (Cause)  
 Vince v. Walsh (Cause)  
 Davis v. Kirk (M for decree) SA  
 Tate v. Leithead } (F D, C)  
 Calvert v. Calvert }  
 Pike v. Bullock (F D, C)  
 Crewdson v. Milne (M for decree)  
 Read v. Prest (Cause)  
 Taubman v. Hall (Cause)  
 Incorporated Society for promoting the Building of Churches, &c. v. Coles (Cause)  
 Lancashire Insurance Co. v. Reddish (Cause)  
 Calv v. Rolfe (M for decree)  
 Chiswell v. Hocknell (Further consideration)  
 Gould v. Playstead (Cause)  
 Edmed v. Aspdin (M for dec.)

Blake v. Simpson } (F D, C)  
 Shepherd v. Blake }  
 Hoddell v. Watkins (Cause)  
 Butlin v. Groom (Cause)  
 Greenwood v. Verdon (Special case)  
 Hunter v. Temple (Cl)  
 Laucellat v. Ballachey (M for decree)  
 Field v. Cury (Cause)  
 Paul v. Cookeram (Cause)  
 Baker v. Bradley (Cause)  
 Wedge v. Earl of Aylesford (Cause)  
 Dewhurst v. Huddethwaite (Cl)  
 Brunyee v. Hind (Cl) SA  
 Hillman v. Westwood (Special case)  
 Drew v. Drew (M for decree)  
 Lane v. Hollings (M for dec.)  
 Crosley v. Harwood (6 titles, F D, C)  
 De Windt v. De Windt (Further consideration)  
 Tryer v. Parnell (Further consideration)  
 Smith v. Edmonds (M for decree)  
 Barford v. Barford (Cl)  
 Houghton v. Lees (Cause)  
 Thistle v. Vaughan (Cl) SA  
 Chance v. Garry (Further consideration)

Wright v. Lucas (M for dec.)  
 Archbell v. Chadwick (Cl)  
 Davidson v. Greaves (Cause)  
 Davis v. Greenwood (Cl)  
 Goode v. Hollier (Cause)  
 Bassano v. Bassano (Sp. case)  
 Gilman v. Tucker (Sp. case)  
 Jones v. Humphreys (Cause)  
 Macgregor v. Hughes (Cause)  
 Williams v. Earl of Abingdon (M for decree)  
 Pearson v. Staley (Cl) SA  
 Edwards v. Lancaster (Cl) SA  
 Malden v. Maine (Cause)  
 Huxley v. Clarke (F D, C)  
 Stephens v. Jenkins (Cause)  
 Tee v. Ferris (Cause)  
 Capel v. Westminster Improvement Commissioners (Cause)  
 Neale v. Farrer (Cause)  
 Crabtree v. Fawthrop (Cause) SA  
 Gregory v. Taylor (Cause)  
 Burrows v. Walls } (E, F D,  
 Same v. Sturgis } C)  
 Hawkins v. Batchelor (M for decree)  
 Brett v. Lethbridge (Sp. case)  
 Lewis v. Lewis (Cause) SA  
 Davidson v. Barrall (Cause) SA  
 Price v. Harvey (Special case)  
 Hamson v. Olivo (M for dec.)

**London Gazette.**

**FRIDAY, JUNE 23.**

**BANKRUPTS.**

**THOMAS CLARK**, Thornton-leath, Croydon, Surrey; Furnival's-inn, Holborn, London; and Marlbro'-road, St. John's-wood, Middlesex, licensed victualler, brickmaker, engineer, dealer and chapman, July 7 at half-past 1, and Aug. 11 at 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Philpot, 49, Gracechurch-street, London.—Petition filed June 22.

**JAMES RUST**, Basinghall-street, London, woollendrapery, July 7 and Aug. 4 at 2, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Goddard, 23, King-street, Cheapside, London.—Petition filed June 21.

**JOHN DOSSETTER**, Theobald's-road, Middlesex, ironmonger, July 3 at 12, and Aug. 12 at 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Selby, 1, Furnival's-inn, London.—Petition dated June 21.

**EDWARD THOMAS ROE**, Brighton-place, Brixton-road, Surrey, oil and colour man, July 3 at 1, and Aug. 12 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Kaye & Son, 4, Symond's-inn, Chancery-lane.—Petition dated June 22.

**GIULIO BUONO**, Fenchurch-street, London, merchant, (carrying on business with Guiseppe Buono, Naples, Sicily, under the firm of G. & G. Buono), July 5 and Aug. 9 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Crowder & Maynard, 57, Coleman-street, City.—Petition filed June 19.

**MORRIS SCHWARTZ**, Haydon-square, Minories, Middlesex, clothier, waterproof-cloth manufacturer, dealer and chapman, July 5 at half-past 2, and Aug. 9 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Owen, 2, Bucklersbury.—Petition filed June 20.

**WILLIAM HOLMES POSTANS**, Enfield, Middlesex, wine merchant, dealer and chapman, (trading with Charles Smith), July 4 at half-past 2, and Aug. 9 at 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Lawrence & Co., 14, Old Jewry-chambers.—Petition filed June 20.

**STEPHEN WILES**, St. Neots, Huntingdonshire, brewer, July 4 at 12, and Aug. 8 at 1, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Nias, 5, Copthall-court, Throgmorton-street, London.—Petition filed June 7.

**ELIZABETH MUNTING and JOHN MUNTING**, Little Moorfields, London, licensed carmen, general contractors, dealers and chapmen, (trading under the firm of Elizabeth Munting & Sons), July 5 and Aug. 7 at 1, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Chidley, 19, Gresham-street, London.—Petition filed June 3.

**RICHARD HUGHES**, Gutter-lane, Cheapside, London, tavern keeper, dealer and chapman, July 6 at 2, and Aug. 7 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Ellis, 2, Cowper's-court, Cornhill.—Petition filed June 21.

**EDMUND BUTLER BLUNT**, Leamington, Warwickshire, and Liverpool, ironfounder and kitchen-range manufacturer, (trading with Joshua Harrison and Thomas Radclyffe, under the style or firm of Harrison, Radclyffe, & Blunt), July 7 at 12, and July 27 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Motteram & Knight, Birmingham.—Petition filed June 14.

**HENRY PEARCE BALDWIN**, Ironbridge, Shropshire, druggist, dealer and chapman, July 8 and 29 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Elgie, Worcester; Hodgson, Birmingham.—Petition dated June 17.

**WILLIAM BRAY**, Frome Selwood, Somersetshire, late of Corley Mills, Coraley, near Warminster, Wiltshire, and afterwards of Chapmanalade, Wiltshire, clothier, dealer and chapman, July 11 and Aug. 8 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Kearsey, Stroud; Abbot & Lucas, Bristol.—Petition filed June 13.

**JOHN BLAKEBROUGH** (and not JOHN BLAKEHOUGH, as advertised in last Tuesday's Gazette) and **VALENTINE BARRENS**, Bradford, Yorkshire, brick-makers, June 30 and July 28 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Taylor, Bradford; Blackburn, Leeds.—Petition dated June 9.

**THOMAS COLTON MATTHEWS**, Kingston-upon-Hull, brewer, maltster, and tavern keeper, dealer and chapman, July 3 and Aug. 2 at 12, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Carrick; Sols. Holden & Sons, Hull.—Petition dated June 14.

**THOMAS HENRY MYERS and WILLIAM MYERS**, Birkenhead, Cheshire, coal dealers, (trading at Birkenhead under the firm of Thomas & William Myers & Co., and at Park-gate, in the said county, under the name of the Park-gate Coal Company), July 5 and 24 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sol. Cross, Liverpool.—Petition filed June 17.

**ELIZABETH SALTER**, Kerry, Montgomeryshire, mercer and grocer, July 6 and 27 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sol. Griffiths, Liverpool.—Petition filed June 21.

#### MEETINGS.

*Peter D. L. Hildesheimer*, New-road, Woolwich, Kent, grocer, July 5 at half-past 11, Court of Bankruptcy, London, pr. d.—*Wm. H. Chidwick*, Dover, Kent, tobaccoist, July 20 at half-past 2, Court of Bankruptcy, London, last ex.—*James Turner*, Whitechapel High-street, and John's-row, St. Luke's, Middlesex, cheesemonger, July 5 at 11, Court of Bankruptcy, London, last ex.—*Christian Druke*, Garlick-hill, London, drysalter, July 8 at 1, Court of Bankruptcy, London, last ex.—*George Taylor*, Leicester, hosier, July 21 (and not June, as before advertised) at 10, District Court of Bankruptcy, Nottingham, last ex.—*William Wood*, Stalybridge, Lancashire, smith, July 7 at 12, District Court of Bankruptcy, Manchester, last ex.—*Thos. N. Vosper*, Launceston, Cornwall, draper, July 13 at 1, Court of Bankruptcy, London, and. ac.—*Michael B. Lee*, Brighton, Sussex, jeweller, July 5 at half-past 11, Court of Bankruptcy, London, and. ac.—*George Jarrett*, Wickham Welford, Berkshire, builder, July 5 at 12, Court of Bankruptcy, London, and. ac.—*Samuel Luke Pratt*, New Bond-street, Middlesex, upholsterer, July 5 at 11, Court of Bankruptcy, London, and. ac.—*Richard Kelly*, Ladbrooke-terrace, Notting-hill, Middlesex, merchant, July 5 at half-past 12, Court of Bankruptcy, London, and. ac.—*J. R. Purcell*, Regent-street, Pall-mall, Middlesex, biscuit baker, July 11 at 12, Court of Bankruptcy, London, and. ac.—*James G. Lockett*, Manchester, merchant, July 4 at 12, District Court of Bankruptcy, Manchester, and. ac.—*Richard G. Beesley*, Manchester, cotton spinner, July 8 at 11, District Court of Bankruptcy, Manchester, and. ac.; July 14 at 12, div.—*John Steele*, Spotland-bridge, near Rochdale, Lanca-

shire, brewer, July 8 at 12, District Court of Bankruptcy, Manchester, and. ac.; July 20 at 12, div.—*H. Ross*, Bruton, Somersetshire, carpenter, July 13 at 11, District Court of Bankruptcy, Bristol, and. ac.—*James Matthias*, Swansea, Glamorganshire, linendraper, July 18 at 12, District Court of Bankruptcy, Bristol, and. ac.—*Benjamin Rolfe and Benjofy Alfred Moore*, Sackville-street, Piccadilly, Middlesex, tailors, July 14 at 12, Court of Bankruptcy, London, div.—*Robert Crofton and Edward Colson*, Great St. Helen's, London, hosiers, July 18 at 1, Court of Bankruptcy, London, fin. div.—*William Clarke and Thomas Boulton*, Manchester, check manufacturers, July 17 at 12, District Court of Bankruptcy, Manchester, div. joint est. and sep. est.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*George N. Grane*, Chailly, Sussex, surgeon, July 14 at 11, Court of Bankruptcy, London.—*Edward Grouard*, Leverington Parsondrove, Cambridgeshire, grocer, July 14 at 1, Court of Bankruptcy, London.—*Charles Cowdery*, Coventry-street, Haymarket, Westminster, and Hanworth-place, Hounslow, Isleworth, Middlesex, coffee-house keeper, July 14 at half-past 12, Court of Bankruptcy, London.—*Wm. G. Trengmar and John Trengmar*, Brighton and Shoreham, Sussex, grocer, July 14 at 2, Court of Bankruptcy, London.—*Wm. Grand*, Lower Tottenham, Middlesex, builder, July 24 at 1, Court of Bankruptcy, London.—*John Symmons*, Bristol, cut nail manufacturer, July 18 at 11, District Court of Bankruptcy, Bristol.—*John R. Gibson*, Waterloo, near Liverpool, innkeeper, July 14 at 11, District Court of Bankruptcy, Liverpool.—*George Havelock and Matthew B. Robson*, Monkwearmouth, Durham, ship builders, July 19 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Richard Wm. Spendlow*, Market Drayton, Shropshire, chemist and druggist, July 13 at 10, District Court of Bankruptcy, Birmingham.—*James Townsend Wigney*, Huddersfield and Wakefield, Yorkshire, wine merchant, July 14 at 11, District Court of Bankruptcy, Leeds.—*Joshua Woodhead*, Hogley Green, Almondsbury, Yorkshire, fancy woollen cloth manufacturer, July 14 at 11, District Court of Bankruptcy, Leeds.—*Noah Lee*, Bingley, Yorkshire, innkeeper, July 14 at 11, District Court of Bankruptcy, Leeds.

*To be granted, unless an Appeal be duly entered.*

*Thos. O'Brien Gleadow*, Leamington, Warwickshire, music seller.—*G. Jones*, Baker-street, Lloyd-square, Clerkenwell, Middlesex, manufacturing jeweller.—*W. T. Ashfield*, Church-street, Lambeth, Surrey, lithographic printer.—*G. Trull*, Bridgewater, Somersetshire, ironmonger.

#### PETITION ANNULLED.

*Joseph Travis Clay*, Rastrick, Yorkshire, fancy cloth manufacturer.

#### SCOTCH SEQUESTRATIONS.

*George Shand*, Glasgow, manufacturing chemist.—*John Knox*, Port Glasgow, joiner.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Wm. Morris*, Ascott-under-Wychwood, Oxfordshire, baker, July 15 at 12, County Court of Oxfordshire, at Chipping Norton.—*Wm. Sellar*, St. Thomas the Apostle, Devonshire, baker, July 11 at 10, County Court of Devonshire, at Exeter.—*T. H. Leader*, King's Lynn, Norfolk, policeman, July 12 at 4, County Court of Norfolk, at King's Lynn.—*Charles Ade*, Alfriston, Sussex, publican, July 11 at 11, County Court of Sussex, at Lewes.—*E. H. White*, Chichester, Sussex, cabinet maker, July 5 at 11, County Court of Sussex, at Chichester.—*Thomas Maplesden* the younger, Strood, Kent, butcher, July 6 at 10, County Court of Kent, at Rochester.—*James Weekes*, Brompton, near Chatham, Kent, grocer, July 6 at 10, County Court of Kent, at Rochester.—*Thomas E. Duffell*, Rochester, Kent, baker, July 6 at 10, County Court of Kent, at Rochester.—*Daniel Baker*, New Shoreham, Sussex, blacksmith, July 1 at 10, County Court of Sussex, at Brighton.—*Edward Pattick*, Brighton, Sussex, wine cooper, July 1 at 10, County Court of Sussex, at Brighton.—*Robert Ford*, Canterbury, Kent, carpenter, July 5 at 11, County Court of Kent, at Canterbury.—*Charles Cook*, Worthing, Sussex, poulterer, July 3 at 10, County Court of Sussex, at Worthing.—*Thomas*

*Jones*, Cheltenham, Gloucestershire, attorney-at-law, July 11 at 10, County Court of Gloucestershire, at Cheltenham.—*G. King Longdon*, Cheltenham, Gloucestershire, stonemason, July 11 at 10, County Court of Gloucestershire, at Cheltenham.—*Edward Smith*, Hastings, Sussex, butcher, July 10 at 11, County Court of Sussex, at Hastings.

*The following Person, who, on his Petition filed in the Court, has obtained an Interim Order for Protection from Process, is required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*July 7 at 10, before the CHIEF COMMISSIONER.*

*Thomas William Worrill*, Lower Sussex-place, Old Kent-road, Surrey, plumber.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*July 7 at 10, before the CHIEF COMMISSIONER.*

*John Clifford*, Cleveland-street, Mile-end-road, Middlesex, out of business.—*George Cranstone*, Arundel-grove, Kingsland, Middlesex, builder.

*July 7 at 10, before Mr. Commissioner MURPHY.*

*C. H. Broughton*, Draycott-street, Chelsea, Middlesex, out of business.—*John Caldwell*, Hardwick-place, Commercial-road East, Middlesex, baker.—*F. Phillips*, Brook-terrace, Old Kent-road, Surrey, oilman.—*John Martin*, Great Park-street, Kennington-cross, Lambeth, Surrey, farrier.

*July 8 at 11, before Mr. Commissioner PHILLIPS.*

*George Edward Boggis*, Pearson-st., Kingland-road, Middlesex, grocer.—*John Frederick Balls*, South-street, Upper Grange-road, Bermondsey, Surrey, commission agent.—*Ramsay Richard Reinagle*, Robert-terrace, Chelsea, Middlesex, portrait painter.

*July 10 at 11, before Mr. Commissioner PHILLIPS.*

*William Wilkins*, Newberry-place, Maldon-road, Kentish-town, Middlesex, bricklayer.—*John Trevers* the elder, Gloucester-place, Old Kent-road, Surrey, builder.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Durham, at DURHAM, July 7.*

*John Thomas*, Sunderland, dealer in glass.—*Hugh Bell*, Ladbroke, near Darlington, miller.—*John Calder*, South Shields, shoemaker.

*At the County Court of Kent, at DOVER, July 7 at 11.*

*John Hughes*, St. Leonards, Sussex, beerseller.

*At the County Court of Lancashire, at LANCASTER,*

*July 7 at 12.*

*Edward Tavo*, Chorlton-upon-Medlock, builder.—*John Hartley*, Hole Frawden, near Colne, farmer.—*Jas. Harrison*, St. Helena, beer retailer.—*William Line*, Manchester, hairdresser.—*Richard Williams*, Liverpool, pilot.—*John Taylor*, Pendlebury, near Manchester, labourer.—*Joseph Edwin Cheetham*, Salford, painter.—*Bernard Smith*, Rushton, near Blackburn, licensed victualler.—*Wm. Bosomworth*, Hulme, Manchester, cabinet maker.—*Thos. Gibson*, Manchester, out of business.—*John Wm. Hopkins*, Liverpool, bookkeeper.—*Stephen Pilcher*, Chorlton-upon-Medlock, Manchester, commission agent.—*James Allen*, Heaton Norris, near Manchester, out of business.—*Abel Pimblett*, Bolton-le-Moors, out of business.—*Roger Wilkinson*, Blackburn, grocer.—*Chas. Eastwood*, Patricroft, near Manchester, stonemason.—*J. Gregson*, Bolton-le-Moors, draper.—*T. Hulme*, Manchester, butcher.—*John Mercer*, Pimlico, near Clitheroe, licensed victualler.—*Thomas Kidd*, Manchester, potato dealer.

*At the County Court of Cheshire, at CHESTER CASTLE, July 10.*

*Wm. Pinnington*, Houghton Moss, near Bunbury, out of business.—*Samuel Shaw*, Mottram-in-Longdendale, out of business.—*John Kelly*, Chester, upholsterer.—*Mary White*, Winterville, near Haslington, out of business.

*At the County Court of Sussex, at LEWES, July 11.*

*William Sutton*, Hastings, carpenter.

*At the County Court of Gloucestershire, at GLOUCESTER, Aug. 22 at 10.*

*John Perry*, Cheltenham, law stationer.

*At the County Court of Nottinghamshire, at NOTTINGHAM, July 11 at 10.*

*John Pratt*, Nottingham, out of business.—*Richard Boyell*, Nottingham, plumber.

#### INSOLVENT DEBTORS' DIVIDENDS.

*John Hobson*, Newcastle-upon-Tyne, assistant shopman: 9s. 2d. in the pound.—*Edward Shone*, Liverpool, hostler: 1s. 2½d. in the pound.—*Walter Henry Biddle*, Oakley-terrace, Old Kent-road, Surrey, colourman: 1s. 1½d. in the pound.—*Robert Morgan*, Bermondsey-square, Bermondsey, Surrey, lieutenant in the Navy, on half-pay: 3s. in the pound.—*James Perrins*, Birmingham, brush manufacturer: 4s. 7d. in the pound.—*James Montague*, Lyall-place, Eaton-square, Middlesex, brush manufacturer: 8s. 1d. in the pound.

*Apply at the Provisional Assignees' Office, Portugal-street, Lincoln's-inn-fields, London, between the hours of 11 and 3.*

TUESDAY, JUNE 27.

#### BANKRUPTS.

**JOHN ROBERT HOBERN and STEPHEN FROUD**, Orchard-st., Alfred-road, Harrow-road, Paddington, Middlesex, builders, July 6 at 12, and Aug. 7 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Nettleship, 21, Red Lion-square, Holborn, London.—Petition filed June 22.

**RICHARD CLARK**, West Strand, Middlesex, lamp merchant, oilman, dealer and chapman, July 12 at 12, and Aug. 7 at 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Hick, 11, Gray's-inn-square, London.—Petition filed June 23.

**HENRY PEARSE**, Digswell House, Walwyn, Hertfordshire, and Finsbury-place South, London, merchant, July 3 at 2, and Aug. 12 at 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. J. C. & H. Freshfield, 5, New Bank-buildings, City.—Petition dated June 17.

**NATHAN LANGLANDS**, Dartford, Kent, grocer and cheesemonger, dealer and chapman, July 3 at 11, and Aug. 12 at 2, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Stopher, 52, Cheapside.—Petition dated June 23.

**ROBERT MOTT**, King's Lynn, Norfolk, builder and brick merchant, July 5 at 1, and Aug. 12 at half-past 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Wilkin, 3, Furnival's-inn, London.—Petition dated June 26.

**THOMAS BRAY**, Chelmsford, Essex, architect and builder, dealer and chapman, July 8 and Aug. 12 at half-past 1, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Duffield, 6, King William-street, City, and Chelmsford, Essex.—Petition filed June 26.

**SAMUEL TURNER PROUT**, Adde-street, Wood-street, Cheapside, London, licensed victualler, July 8 at half-past 12, and Aug. 11 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Selby & Mackeson, 59, Lincoln's-inn-fields.—Petition filed June 26.

**OWEN EVANS**, Westbourne-terrace, Hyde-park, Middlesex, surgeon, apothecary, dealer and chapman, July 7 at 11, and Aug. 12 at half-past 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Crosby, 3, Church-court, Old Jewry.—Petition filed June 27.

**RICHARD DEAN**, Bath-street, London-road, Southwark, Surrey, builder, dealer and chapman, July 6 at 1, and Aug. 11 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Crouch, 8, Gray's-inn-square.—Petition filed June 15.

**JOHN HARVEY** the elder and **GODFREY GREGORY PIKE**, Birmingham, grocers, July 8 and Aug. 10 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Harris, Birmingham; Hodgson, Birmingham.—Petition dated June 22.

**JAMES LACEY**, Wolverhampton, Staffordshire, builder, dealer and chapman, July 12 and 31 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Hayes, Wolverhampton; Hodgson, Birmingham.—Petition dated June 17.

**THOMAS CHAPMAN**, Leicester, worsted spinner, wool stapler, coal dealer, dealer and chapman, July 11 and Aug. 8 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. R. & G. Toller, Leicester; James, Birmingham.—Petition dated June 21.

**JAMES TAYLOR**, Ovenden, near Halifax, Yorkshire, worsted spinner and manufacturer, (trading under the style or firm of Thomas Taylor & Sons), July 11 at 12, and Aug. 8 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Taylor, Bradford; Blackburn, Leeds.—Petition dated June 14.

**THOMAS BARNESLEY**, Ashton-under-Lyne, Lancashire, tailor, draper, and clothes dealer, July 8 and 28 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Herniman; Sols. Darnton, Ashton-under-Lyne; Sale & Co., Manchester.—Petition filed June 24.

#### MEETINGS.

*Charles Simpler Morris*, Soham, Cambridgeshire, ironmonger, July 10 at 12, Court of Bankruptcy, London, last ex.—*James Hiley*, South-st., Finsbury, Middlesex, private boarding-house keeper, July 8 at half-past 11, Court of Bankruptcy, London, pr. d.—*Joseph Seager*, Ramsgate, Kent, draper, July 8 at 1, Court of Bankruptcy, London, aud. ac.—*Benjamin Rolfe* and *Benjamin Alfred Moore*, Sackville-st., Piccadilly, Middlesex, tailors, July 7 at 1, Court of Bankruptcy, London, aud. ac.—*Andrew Burn*, Sackville-street, Piccadilly, Middlesex, tailor, July 7 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Joseph Jenkinson Wells*, Coventry, Warwickshire, haberdasher, July 11 at half-past 2, Court of Bankruptcy, London, aud. ac.—*John Ford* and *Joseph Alfred Hadfield*, Glossop, Derbyshire, paper manufacturers, July 8 at 12, District Court of Bankruptcy, Manchester, aud. ac.; July 20 at 12, fin. div.—*John Coker*, Saltash, Cornwall, merchant, July 10 at 11, District Court of Bankruptcy, Plymouth, aud. ac.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*James Thomas Shaylor*, St. John-st.-road, Clerkenwell, Middlesex, furrier, and Little Saffron-hill, Holborn, Middlesex, skin dyer, July 22 at 2, Court of Bankruptcy, London.—*Wm. Hill* and *Theo. Campion Lawrence*, Lime-st., London, ship and insurance agents, July 18 at 12, Court of Bankruptcy, London.—*John Sagar*, Birkenhead, Cheshire, brewer, July 20 at 11, District Court of Bankruptcy, Liverpool.—*A. Vickers*, Daley, Cheshire, cotton spinner, July 19 at 12, District Court of Bankruptcy, Manchester.—*Joseph Best* the younger, Kidderminster, Worcestershire, scrivener, July 20 at 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*Charles Button*, Holborn-bars, London, operative chemist.—*Isaac King*, Bull Head-court, Newgate-street, London, carpenter.—*Joseph Rowe*, Hunter-st., Kent-road, Surrey, baker.—*Wm. John Ward*, Folkestone, Kent, innkeeper.—*William Lloyd*, York-st., Westminster, Middlesex, licensed victualler.—*Stephen Carlton*, Darlington, Durham, coach manufacturer.—*Robt. Roberts*, Liverpool, tailor.—*Robert Thomson*, York, linendraper.—*J. Ducker*, Bilston, Staffordshire, and Warwick, railway contractor.

#### PARTNERSHIP DISSOLVED.

*John Browne*, *William Kingdon*, *Jas. Smith Kingdon*, and *Francis Josias Cotton*, King's Arms-yard, Moorgate-street, London, attorneys and solicitors, (under the style or firm of Coode, Browne, Kingdon, & Cotton).

#### SOOTH SEQUESTRATIONS.

*John Philip Barker*, Aberdeen, manufacturer.—*Jas. Dewar*, Perth, manufacturer.—*William & Peter Nicholl*, Glasgow, marble merchants.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Douglass*, Birmingham, grocer's assistant, July 22 at 10, County Court of Warwickshire, at Birmingham.—*George Samuel Phillips*, Birmingham, butcher, July 22 at 10, County Court of Warwickshire, at Birmingham.—*Austin Lines* the younger, Birmingham, japanner, July 22 at 10, County Court of Warwickshire, at Birmingham.—*Wm. Henry Bickington*, King's Heath, Worcestershire, attorney-at-law, July 22 at 10, County Court of Warwickshire, at Birmingham.—*Johnson Reed*, Peterborough, Northamptonshire, grocer, July 10 at 12, County Court of Northamptonshire, at Peterborough.—*George Coomes*, Newcastle-upon-Tyne, out of business, July 13 at 10, County Court of Northumberland, at Newcastle-

upon-Tyne.—*Bergston Morris*, Newcastle-upon-Tyne, exp. manufacturer, July 13 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—*Wm. Snowdon*, Newcastle-upon-Tyne, out of business, July 13 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—*Christopher Gatenby*, Heworth, near Gateshead, Durham, labourer, July 17 at 10, County Court of Durham, at Gateshead.—*William Marshall*, Little Hampton, Sussex, baker, July 8 at 10, County Court of Sussex, at Arundel.—*Thomas Wm. Kime*, Holbeach, Lincolnshire, cabinet maker, July 27 at 10, County Court of Lincolnshire, at Holbeach.—*Osly Harpham*, Whaplode, Lincolnshire, farmer, July 27 at 10, County Court of Lincolnshire, at Holbeach.—*Wm. Hunt*, Saham Toney, Norfolk, grocer, July 13 at 10, County Court of Norfolk, at Swaffham.—*Robert Harrison*, Derby, whitesmith, July 15 at 12, County Court of Derbyshire, at Derby.—*Samuel Smith*, Derby, joiner, July 15 at 12, County Court of Derbyshire, at Derby.—*John Quick*, Newport, Monmouthshire, beer retailer, July 12 at 12, County Court of Monmouthshire, at Newport.—*James Butler*, Scarborough, Yorkshire, joiner, July 19 at 10, County Court of Yorkshire, at Scarborough.—*Robt. Peter Payne*, Kingston-upon-Hull, jeweller, July 14 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*Sam. Brittain*, Garndiffath, Trevelth, Monmouthshire, retailer of beer, July 13 at 10, County Court of Monmouthshire, at Pontypool.—*Thos. Marshall*, Nottingham, out of business, July 11 at 10, County Court of Nottinghamshire, at Nottingham.—*Matthew Bradbury* the elder, Nottingham, general-shop keeper, July 11 at 10, County Court of Nottinghamshire, at Nottingham.—*Ambrose Bradbury*, Nottingham, builder, July 11 at 10, County Court of Nottinghamshire, at Nottingham.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*July 12 at 10, before the CHIEF COMMISSIONER.*

*William Davies Evans*, Hampton-grove, Sarbiton, Surrey, master mariner.—*John Henry Lee*, Curtain-road, Shoreditch, Middlesex, fret cutter.—*W. Park*, Lucas-street, Rotherhithe, Surrey, carpenter.—*William Booth*, Lower Marsh, Lambeth, Surrey, fishmonger.

*July 12 at 10, before Mr. Commissioner MURPHY.*

*Wm. Smith*, East-st., Edgeware-road, Middlesex, cheesemonger.—*Thomas Rellon*, Little Sussex-place, Paddington, Middlesex, tailor.—*R. Tyler*, Huntsworth-terrace, Portman-market, Marylebone, Middlesex, blacksmith.—*John Frazier*, Deptford-green, Kent, booth keeper.—*Abraham Smith*, Agtown, St. Pancras, Middlesex, foreman to a road contractor.

*July 13 at 11, before Mr. Commissioner PHILLIPS.*

*Edward Walker*, James-grove, Commercial-road, Peckham, Surrey, commercial traveller.—*John Targett*, Earl-street, St. Marylebone, Middlesex, out of business.—*Wm. H. Whicker*, King's-place, King's-road, Chelsea, Middlesex, baker.—*Ja. Cross*, Leonard-street, Shoreditch, Middlesex, horse jobber.

*Saturday, June 24.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*James Black*, John-street, Blackfriars-road, Surrey, baker, No. 64,465 T.; *Wm. King*, assignee.—*Thomas Oliver*, Tabernacle-walk, Finsbury, Middlesex, tailor, No. 64,467 T.; *John Pittman*, assignee.—*Mary Hopkins*, Aylford, near Blakeney, Gloucestershire, shopkeeper, No. 77,797 C.; *Josiah Aldred*, assignee.—*Thomas Cornell*, Preston, Lancashire, labourer, No. 77,871 C.; *Robert Raby*, assignee.—*George Salmon*, Gillesgate, Durham, out of business, No. 77,977 C.; *William Brown* the elder and *Wm. O. Dickinson*, assignees.—*Alfred W. Sanderson*, Lancaster, tea dealer, No. 78,096 C.; *Edward Johnson*, assignee.—*Wm. H. Arding*, Wantage, Berkshire, twine manufacturer, No. 78,130 C.; *Wm. Ballard*, assignee.—*C. Pasman*, Peasenhall, Suffolk, farmer, No. 64,468 C.; *W. Spalding*, assignee.

*Saturday, June 24.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Francis Taylor*, Waverley-terrace, Harrow-road, Middle-



sex, ironmonger: in the Queen's Prison.—*John Wm. Addy*, Bishopsgate-street, London, in no business: in the Queen's Prison.—*Joseph Cartwright*, London-street, Fenchurch-street, London, Custom-house agent: in the Debtors Prison for London and Middlesex.—*Julius Stinger*, Watling-street, London, tailor: in the Debtors Prison for London and Middlesex.—*Thomas John Tobin*, Cambridge-terrace, Myddleton-road, Dalston, Middlesex, hairdresser: in the Debtors Prison for London and Middlesex.—*John S. Perry*, Southampton-street, Camberwell, Surrey, out of business: in the Debtors Prison for London and Middlesex.—*Ebenezer E. Coleman*, Princes-road, Notting-hill, Middlesex, plumber: in the Debtors Prison for London and Middlesex.—*George Parby*, Hastings, Sussex, ironmonger: in the Debtors Prison for London and Middlesex.—*William F. Donovan*, Queen's-terrace, Marlborough-road, Chelsea, Middlesex, fishmonger: in the Debtors Prison for London and Middlesex.—*Nicholas Wade*, Blenheim-place, St. John's Wood, Middlesex, builder: in the Debtors Prison for London and Middlesex.—*Anton Mayer*, King's-row, Pentonville, Middlesex, commission merchant: in the Queen's Prison.—*Alexander Jones*, Bevis Marks, St. Mary Axe, London, dealer in cigars: in the Debtors Prison for London and Middlesex.—*William Line*, Manchester, hairdresser: in the Gaol of Lancaster.—*Robert Fletcher*, Hulme, Manchester, out of business: in the Gaol of Lancaster.—*Charles Eastwood*, Patricroft, near Manchester, stonemason: in the Gaol of Lancaster.—*James Harrison*, St. Helena, Lancashire, licensed victualler: in the Gaol of Lancaster.—*Thomas Hulme*, Manchester, butcher: in the Gaol of Lancaster.—*John Gregson*, Bolton-le-Moors, Lancashire, draper: in the Gaol of Lancaster.—*John Mercer*, Pimlico, near Clitheroe, Lancashire, licensed victualler: in the Gaol of Lancaster.—*Thomas Gibson*, Manchester, out of business: in the Gaol of Lancaster.—*Edward Tavo*, Chorlton-upon-Medlock, Manchester, builder: in the Gaol of Lancaster.—*Jacob Greenhalgh*, Shelderslow, near Oldham, Lancashire, cotton spinner: in the Gaol of Lancaster.—*Roger Wilkinson*, Blackburn, Lancashire, grocer: in the Gaol of Lancaster.—*Thomas Kidd*, Manchester, fish dealer: in the Gaol of Lancaster.—*Aldwell C. Taylor*, Worcester-street, Gloucestershire, out of business: in the Gaol of Gloucester.—*Daniel S. Wilkins*, West-end-terrace, Gloucestershire, general dealer: in the Gaol of Gloucester.—*Robert Turnock*, Eton, Buckinghamshire, tailor: in the Gaol of Aylesbury.—*Richard Whittington*, Beaconsfield, Buckinghamshire, out of business: in the Gaol of Aylesbury.—*John Hughes*, St. Leonards, Sussex, beerseller: in the Gaol of Dover.—*Alexander S. Sloan*, Liverpool, master mariner: in the Gaol of Lancaster.—*Wm. Whiteley*, Colne, Lancashire, shoemaker: in the Gaol of Lancaster.—*John Smith*, Manchester, commercial traveller: in the Gaol of Manchester.—*Thomas Stephens*, Bedworth, Warwickshire, ribbon manufacturer: in the Gaol of Coventry.—*Joseph L. Jordan*, Ross, Herefordshire, cabinet maker: in the Gaol of Hereford.—*Wm. Reed*, Tormoham, Devonshire, builder: in the Gaol of St. Thomas-the-Apostle.—*Thomas G. Broughton*, Portsea, Southampton, gas engineer: in the Gaol of Winchester.—*Moses Slater*, Stayley, Cheshire, out of business: in the Gaol of Chester.—*James Howard*, Macclesfield, Cheshire, out of business: in the Gaol of Chester.—*John Taberner*, Marchington, Hanbury, Staffordshire, blacksmith: in the Gaol of Stafford.—*Wm. Parson*, Pleck-lane, near Walsall, Staffordshire, miner: in the Gaol of Stafford.—*James Tanner*, East Brent, near Axbridge, Somersetshire, cattle dealer: in the Gaol of Wilton.—*Thomas Hanesworth*, Bolton-le-Moors, Lancashire, hatter: in the Gaol of Lancaster.—*Joseph Phillips*, Birmingham, provision dealer: in the Gaol of Coventry.—*Charles Phillips*, Birmingham, brasscock founder: in the Gaol of Coventry.—*Thomas Forrest*, Bradford, Yorkshire, out of business: in the Gaol of York.—*Wm. Ward*, Bradford, Yorkshire, cab proprietor: in the Gaol of York.—*Richard Farrer*, Swinnow, Bramley, Yorkshire, cloth manufacturer: in the Gaol of York.—*Thomas Mawdsley*, Leeds, Yorkshire, cloth dresser: in the Gaol of York.—*James Woodhead*, Bradford, Yorkshire, out of business: in the Gaol of York.—*Robert Smith*, York, cattle jobber: in the Gaol of York.—*Joshua Bramall*, Saddleworth, Yorkshire, out of business: in the Gaol of York.—*Benjamin Bulmer*, York, out of business: in the Gaol of York.—*Thos. Hughes*, Oldbury, Worcestershire, greengrocer: in the Gaol

of Worcester.—*John Baildon*, Halifax, Yorkshire, bookseller: in the Gaol of York.—*Thomas Morris*, Saddleworth, Yorkshire, licensed victualler: in the Gaol of York.—*William Dewhurst*, Keighley, Yorkshire, tailor: in the Gaol of York.—*Wm. Pearson*, Halifax, Yorkshire, grocer: in the Gaol of York.—*G. Midgley*, York, out of business: in the Gaol of York.—*J. Buckle*, Bramley, near Leeds, Yorkshire, tailor: in the Gaol of York.—*Daniel Acraman*, Hillfarrance, Somersetshire, out of business: in the Gaol of Wilton.—*Oswald Isherwood*, Middleton, Lancashire, engraver to calico printers: in the Gaol of Lancaster.—*Wm. Johnson*, Birmingham, die sinker: in the Gaol of Coventry.—*John Morgan*, York-road, Lambeth, Surrey, out of business: in the Gaol of Maidstone.—*James Kaye*, Cumberworth, near Peniston, Yorkshire, joiner: in the Gaol of York.—*Thomas Jones*, Carmarthen, grocer: in the Gaol of Carmarthen.—*John Moss*, Weymouth, Dorsetshire, shoemaker: in the Gaol of Dorchester.—*Samuel Mottram*, Tamworth, Staffordshire, builder: in the Gaol of Coventry.—*Duncan Oswald*, Birmingham, draper: in the Gaol of Coventry.—*John Best*, Ipswich, Suffolk, barrister-at-law: in the Gaol of Ipswich.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*July 11 at 10, before Mr. Commissioner MURPHY.*

*G. N. Wardell*, Lloyd-square, Pentonville, Middlesex, attorney-at-law.—*John Vauss Monkton*, Norland-cottage, Notting-hill, Middlesex, gentleman.—*Henry Maddox*, Queen-street, Milton-next-Gravesend, Kent, grocer.

*July 12 at 10, before the CHIEF COMMISSIONER.*

*Henry M. Arliss*, Great Queen-street, Lincoln's-inn-fields, Middlesex, printer.—*Joseph Davis*, Strand-lane, Strand, Middlesex, lodging-house keeper.—*John T. Softley*, High-street, Camden-town, Middlesex, plumber.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Cheshire, at CHESTER, July 10.*

*Moses Slater*, Stayley, Mottram-in-Longendale, out of business.

*At the County Court of Devonshire, at EXETER, July 11 at 10.*

*Isaac Cohen*, Plymouth, travelling jeweller.—*Daniel Heaven*, Teignmouth, butler in a gentleman's family.

*At the County Court of Sussex, at LEWES, July 11.*

*Thomas Barber*, Brighton, grocer.—*Frederick Page*, Brighton, plasterer.

*At the County Court of Leicestershire, at LEICESTER, July 12.*

*Charles Cooper*, Ashby-de-la-Zouch, stonemason.—*John Thomas Cooper*, Loughborough, out of business.—*George M'Dougal*, Leicester, assistant to a travelling draper.

*At the County Court of Somersetshire, at TAUNTON, July 12.*

*Daniel Acraman*, Hillfarrance, maltster.

*At the County Court of Worcestershire, at WORCESTER, July 12 at 10.*

*Thomas Hughes*, Worcester, forgerman.

*At the County Court of Gloucestershire, at GLOUCESTER, July 13 at 10.*

*D. S. Wilkins*, Gloucester, agent for the sale of beer.—*A. Brown* the younger, Gloucester, out of business.—*H. Henton*, Gloucester, musician.

*At the County Court of Essex, at CHELMSFORD, July 13 at 12.*

*Wm. O. Clark*, Stratford, West Ham, hay dealer.—*Thomas Newell*, Thaxted, out of business.—*William Smith*, Plaistow, builder.

*At the County Court of Suffolk, at IPSWICH, July 14 at 9.*

*John Best*, Ipswich, prisoner in the County Gaol of Suffolk, at Ipswich.

*At the County Court of Derbyshire, at DERBY, July 15 at 12.*

*Thomas Leach*, Chorltonfield, dealer in fruit.—*G. Walker*, Barlborough, near Chesterfield, beerhouse keeper.—*J. Martin*, Litchurch, fly driver.

*At the County Court of Herefordshire, at HEREFORD, July 20 at 10.*

*Thomas Hyde, Collington, farm bailiff.—Sarah Jones, spinster, Shelwick, in no trade.—Joseph Llewellyn Jordan, Ross, cabinet maker.*

*At the County Court of Hampshire, at WINCHESTER, July 31.*

*Thomas G. Broughton, Portsea, gas engineer.*

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# The Jurist

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JULY 8, 1854.

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LONDON, JULY 8, 1854.

On a former occasion (ante, p. 133) we stated several of the rules which seemed to us to be deducible from decisions upon rights and duties connected with the reparation of property, and we now propose to consider somewhat more in detail the extent of a tenant's liability under an express covenant to repair.

Agreements of this nature are always construed liberally by the Courts in favour of the landlord; (*Harris v. Jones*, 1 Moo. & R. 173); at the same time, they receive a reasonable construction; and a general covenant to repair is satisfied by the premises being kept in substantial repair, according to the fair intention of the parties as expressed in their agreement. A literal performance of the covenant is not required. (Ib.)

A covenant to keep a house and outbuildings in good repair obliges the tenant to put them in that condition; and the tenant is not justified in keeping them in bad repair because he found them in that condition. The

extent of the repair in such case is to be measured by the age and class of the buildings: their general condition as to repair at the time of the demise is also to be regarded, so as to measure the amount of damages by reference to that state, although it does not affect the construction of the covenant. Thus, Parke, B., said, in the case in which this rule was laid down, (*Payne v. Haine*, 16 M. & W. 540), "If at the time of the demise the premises were old and in bad repair, the lessee was bound to put them in good repair as old premises, for he cannot 'keep' them in good repair without putting them into it. He might have contracted to keep them in the state in which they were at the time of the demise. . . . The cases all shew that the age and class of the premises let, with their general condition as to repair, may be estimated, in order to measure the extent of the repairs to be done. Thus, a house in Spitalfields may be repaired with materials inferior to those requisite for repairing a mansion in Grosvenor-square; but this lessee cannot say he will do no repairs, or leave the premises in bad repair, because they were old and out of repair when he took them." Rolfe, B., said, "The term 'good repair' is to be construed with reference to the subject-matter, and must differ, as that may be a palace or a cottage; but to 'keep in good repair' pre-supposes the putting into it, and means that during the whole term the premises shall be in good repair."

In such cases, though the tenant may shew generally in what state the premises were at the commencement of the term, and whether they were new or old, it is

not competent to him to shew it in matters of detail. (*Mantz v. Goring*, 4 B. & Cr. 451; and see *Burdett v. Withers*, 7 Ad. & El. 136, commented upon in 16 M. & W. 545).

In accordance with this class of cases, it has been held that a covenant to repair contained in an underlease, though in the same language as the covenant in the original lease, may be different in effect, owing to the underlease having been granted subsequent to the original lease, and when the premises had become in a different condition. (*Walker v. Hatton*, 10 M. & W. 249). There was no question of a covenant to keep in "good" repair premises which were in fact in "bad" repair, as in the former case; and it is consistent with the doctrine laid down in the previous case, that in estimating the amount of damages, the general condition of the premises at the time of the demise is to be regarded.

In connexion with the liability of a sub-lessee, we may here refer to the recent case of *Smith v. Peat*, (9 Exch. 161), in which the liability of an assignee of a lease was considered. Martin, B., there said, "We never can ascertain the exact amount of damage which occurred during the time that each assignee held the lease. In my opinion, the measure of damages is the loss the landlord would undergo if he sold his reversion in the market." And it had been previously held at Nisi Prius, by Coleridge, J., that in covenant for non-repair of premises held under a lease, which had at the time of the action several years to run, the measure of damages was, not the amount that would be required to put the premises in repair, but the amount to which the reversion was injured. (*The Worcester School Trustees v. Rowlands*, 9 Car. & P. 734). His Lordship said, if the lease had 100 years to run, and the covenant was broken in the first year, the landlord would be entitled to some damages for that breach of covenant, though the lease would not expire for ninety-nine years to come; but in estimating the damages where the lease has a long time to run, it was not fair to take the amount that would be necessary to put the premises into repair as the measure of the damages, for in such cases, where the damages were awarded to the landlord, he was not bound to expend them in repairs, neither could he do so without the tenant's permission to enter on the premises. It is no defence to an action for non-repair during the defendant's tenancy that the plaintiff has no reversion or interest in the premises. (*Bickford v. Parson*, 5 C. B. 920). Such proof might be given to reduce the damages, and it probably would have the effect of reducing them to a merely nominal amount, unless the plaintiff shewed, that although his interest in the premises had expired, he was liable over to the superior landlord or some other person for the repairs.

#### THE STATUTE-LAW COMMISSION.

(Continued from p. 229).

With reference to the question, whether a rule of construction can be properly enacted, which has been discussed by Mr. Tyrrell and the Real Property Commissioners, Mr. Brickdale, after citing the remarks published in the name of Mr. H. Sugden, says, "Not-

withstanding these objections, it must be admitted that no practical difference exists between a rule of construction clearly ascertained and recognised by the Courts, and a similar rule enacted by act of Parliament. One is as binding and as inflexible as the other; and therefore, where any such rule exists which operates harshly or unjustly, it must necessarily be remedied by act of Parliament, or remain unremedied; for the Courts themselves, though they made it, have no power to alter it. Nothing but an act of Parliament, for instance, could have reversed the rule, that a devise of freehold land, without words of inheritance, gave a life estate only. The enactment of rules of construction seems, therefore, to be justified from necessity, and even on principle; for it is a necessary consequence of the principle, that the Courts can make such rules, but cannot alter them when made."

Here is the old confusion of common-law principles with statutory texts. The peculiarity and disadvantage of a statutory rule of construction is, that it must itself be construed before it can be applied, and can never be so happily conceived and expressed as exactly to effect the object of its framers. "But," it may be objected, "principles are expressed with perfect accuracy in the pure and mixed sciences; why not in law?" The answer is, that in textual law the expression of a principle takes the form of a rule, so that the analogy is between law and the applied sciences or scientific arts; and though it is true that in law, as in the applied sciences, the enunciation of a principle (i. e. a rule) may be made accurate, consistent in itself, and complete as a reflection of the idea on which it was framed, it cannot in either be complete and sufficient for future practice; for, in both, unforeseen combinations of circumstances—new problems—are continually arising and calling for new deductions, not from rules, but from theory, the generator of rules. Take a scientific art at any stage in its progress, settle its rules with the most enlarged human foresight, in the most abstract terms of the highest known calculus, and deprive it of further aid from theory, it instantly loses its creative faculty, and remains thenceforth a mere collection of rules of thumb. Such is law founded on texts alone, however excellent in design and expression.

But the expression "rule of construction" is frequently misunderstood. Legal rules of construction have properly nothing to do with the meaning of words. Language, whether technical or popular, is not a subject either for legislation or for judicial precedent. It is created and developed by natural causes beyond the reach of arbitrary convention, and, like other matters of usage, cannot be stereotyped in a formula. The laws even of technical language are part of the laws of nature. A common-law rule of interpretation that varies the meaning of words is necessarily a bad rule, and should be repealed, not by attempting to declare the true meaning, but simply by depriving the rule of its authority, in the manner already pointed out. For example, when a man devises all his land in Kent to his eldest son, he means to give him all his estate in the land; but when the effect of such a devise first came into question, the judges, from corrupt motives or from prejudice, resolved that it should only pass a life estate; and when the hardship of that rule was felt, and justice was more regarded, the Courts, bound by precedent, strove to evade it by fine-drawn distinctions. Such being the temper of the Bench, the mischief might have been cured by relieving them from the precedents, without stating any rule of construction, as by enacting, that "When a Court of justice has to decide whether a devise without words of limitation has passed more than an estate for the devisee's life, such Court may decide such question without regard to any decision made before this enactment in which a

similar devise has been held to pass a life estate only." We have already shewn that the judicial interpretations of the words "month," "England," &c. may be corrected in the same manner. These are instances of rules arbitrarily interfering with the meaning of words; and there are many such which should be abolished. Besides these rules of misconstruction, there is a class of rules, also called rules of construction, which determine questions arising on mistakes and omissions in the framing of documents when the parties have said what they did not mean, or have omitted to say all that they meant, or when events shew that their meaning was defective or erroneous. There is method even in the errors and shortcomings of the mind. The science of that method is inductive and progressive, has nothing to do with policy, and therefore belongs exclusively to the Courts, subject only to the interference of the Legislature when they call upon it to relieve them from precedents which they would reject.

Mr. Brickdale concludes in favour of enacting rules of construction in certain cases, though he proposes two conditions which seem to exclude every case. These are—"First, not to enact any rule which would give to words an effect different from their primary meaning; and, secondly, not to attempt to enact a rule except when the cases in which it would operate could be foreseen with tolerable certainty." The first condition condemns every rule of construction in terms, and the second does so in effect; for a rule leaving things as they are independently of the rule is a nullity; and a rule of construction of which the operation can be foreseen with tolerable certainty is an impossibility.

Mr. Anstey would go far beyond his colleague in this matter. By the 2nd section of his bill for the interpretation of enactments, he proposes to enact, that "all enactments regulating, extending, restraining, or taking away rights, duties, or liabilities not originally created by statute, and likewise enactments amending or repealing such first-mentioned enactments, shall," except in certain specified cases, "be deemed and taken to be parcel of and incorporate with the common and unwritten law, and construed and expounded accordingly." This clause carries out a suggestion made by Mr. Ker in his second report—"That the objection so frequently urged, that it would be dangerous to limit and fetter the common law by subjecting it to the rules of construction applicable to statute law, might be obviated by enacting that such a code is to be considered as merely declaratory of the law, and providing that the same should be construed as if the same were part of the common law—a rule of construction which it would be often convenient to apply to consolidated statutes also."

A rule of construction as impossible as the even root of a negative quantity. The interpretation of statutes is the construing of words—the interpretation of the common law is what in natural science Bacon calls the interpretation of nature—induction from facts. To speak of construing a statute like the common law is to adopt the vulgar notion that the common law is to be collected mainly from the language used by the judges in explanation of their decisions, and not mainly from the recorded decisions and the facts decided on. By other clauses Mr. Anstey proposes to subject certain penal enactments to a strictly literal interpretation, and all other enactments to a liberal construction. These he admits to be questionable. We think that they are unquestionably wrong. A strictly literal construction of a penal statute means nothing more than escape for the guilty in certain cases. A liberal construction means excess of license to the judge.

Returning to Mr. Brickdale's comments, we come to some sensible remarks on conciseness of style, in the course of which he says, very truly, that the remedy lies in every one's hand, and is a matter of practice and not of invention. The bill, we are told, is presented "strictly

as a specimen of the utmost attainable conciseness," and also as an example of the advantage of dividing the matter of an act into very short paragraphs, for ease of reference and amendment. This is very well, but it should not be put as a matter of discretion and degree. A single enactment is a command or permission to do or to abstain from doing a certain thing, and the number of enactments into which an act of Parliament ought to be divided is precisely the number of different combinations, either of a single case with several commands or authorities, or of several cases with a single command or authority. When the same command or permission applies to more than one case, the several cases must be distinctly stated in the enactment, and this may be conveniently done in distinct subdivisions or paragraphs. So, when several things are commanded or permitted to ensue upon a single case\*.

"Another object kept in view in preparing the bill has been to reduce the law to propositions as general and abstract as possible;" and then follows a defence against the anticipated charge of consequential obscurity, which we do not understand. The question of the generality or abstract nature of an enactment is substantial, not formal. An enactment giving a leasing power to the trustees of a single settlement is less general than one giving such a power to the trustees of all settlements, and both are less general than one enabling trustees of settlements to deal with the settled estates in any way they may think fit for the benefit of the objects of the settlement. But the same draftsman would express all three in the same style, and, according to his skill, with the same clearness or obscurity. Whatever his object may be, he can only effect it by stating it, and the generality of the effect will be co-extensive with the generality of the statement. He may fail to say what he means, or his meaning may halt; but that is blundering, not obscurity. The causes of obscurity are to be sought in verbiage, involution, and superfluous statement of particulars.

Mr. Brickdale then proceeds to criticize the clauses of the Wills Act, 7 Will. 4 & 1 Vict. c. 26, seriatim, and incidentally to explain and justify the details of his own bill, to the consideration of which we shall next address ourselves.

Section 1. "A testator may dispose by will of all the property, estates, and rights of every description and tenure to which he is in any way entitled at the time of his death, to the full extent of his interest therein."

The language is inaccurate, and hence probably a material oversight. The words "property," "estates and rights," are here used to represent ideas of different kinds, which cannot be classed together, the two last expressing relations of which the former is the subject. The clause in terms speaks of an interest in a right. "Of every description *and* tenure" should be "of every description *or* tenure," otherwise personal chattels, and other property to which tenure is not incident, would be impliedly excluded, which is not intended, though it ought to be. "All" and "every" should be "any." But the substantive defect in the clause is, that it does not except heriots and estates tail. A fee tail is wholly in the tenant for the time being, and this enactment would enable him to devise the entailed land for a base fee. And the clause purports to enable a testator to bequeath his personality away from his executors or administrators and creditors—an error which occurs in the existing Wills Act. But this would be corrected by the Courts. The mistake lay in extending the enactment to personality, the disposition of which was already provided for in a way not intended to be disturbed; and it shews the value of the rule—never to attempt a re-enactment of what is already parcel either of the common law or of the unrepealed statute law.

\* See Code on Legislative Expression.

It may be noticed as a defect of arrangement, that the exception of quasi estates tail is made in a remote part of the bill, instead of immediately following and qualifying the general enabling clause.

Sec. 2. "All customs whereby a man is precluded from bequeathing the whole of his personal estate are repealed, but contracts that the personal estate shall be distributed according to any custom are not hereby invalidated."

This abolishes heriots except in cases of intestacy. It is also inaccurate in referring to the repealed customs as being in force at the passing of the act. The words go beyond the intention, which is merely to enable testators to overrule the custom, but not to abolish the customary distribution where there is no bequest. In the existing statutes the distinction is properly taken. The saving of a contract is superfluous, and betrays an apprehension that the draftsman has failed in confining his language to the subject-matter, which is wills.

Sec. 3 might have been spared. It is intended to obviate a most absurd doubt as to the operation under the Dower Act of a devise of lands acquired after the date of the will.

Sec. 4. "All real estate of a customary or copyhold nature may be devised without any surrender to the use of the will, and all customs preventing or limiting the power to devise any such real estate are repealed."

If this were not a model draft, it might be hypercritical to remark, that "nature" is not a word of art, and that the phrase "customary or copyhold" implies that copyhold is not a customary tenure. But the clause is wholly unnecessary, because power to devise copyholds is given by the 1st section, which does not require a surrender, as the provisions respecting fees imply.

Sec. 9, following the Wills Act, sanctions the erroneous notion that there could be a custom against surrendering to the use of a will.

(To be continued).

## London Gazettes.

FRIDAY, JUNE 30.

### BANKRUPTS.

**JAMES SHERMAN**, Brentwood, Essex, grocer, cheesemonger, tea dealer, and draper, dealer and chapman, July 10 at 12, and Aug. 19 at 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. J. & J. H. Linklater, 17, Sise-lane, London.—Petition dated June 28.

**DANIEL MITCHELL DAVIDSON** and **COSMO WILLIAM GORDON**, Mincing-lane and Cousins-lane, Upper Thames-street, London, colonial brokers and metal agents, and West Ham-lane, Middlesex, distillers, dealers and chapmen, July 7 at 11, and Aug. 19 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. J. & J. H. Linklater, 17, Sise-lane, London.—Petition dated June 20.

**WILLIAM PINNOCK**, St. James's-terrace, Harrow-road, Middlesex, flour and corn factor, dealer and chapman, July 8 at 2, and Aug. 11 at half-past 1, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. J. & J. H. Linklater, 17, Sise-lane, London.—Petition filed June 30.

**THOMAS BELL**, St. Stephen's-place, Uxbridge-road, Hammersmith, Middlesex, brick maker, dealer and chapman, July 8 at 11, and Aug. 24 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Smith & Son, 6, Barnard's-inn, Holborn.—Petition dated June 28.

**GEORGE STANLEY** and **GEORGE GURR**, Queen-street, London, and Bruton-street, Bond-street, Middlesex, fishing-tackle makers, dealers and chapmen, July 7 at 1, and Aug. 14 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. J. & J. H. Linklater, 17, Sise-lane, London.—Petition filed June 24.

**JAMES PALMER**, Bridesstowe, Devonshire, maltster and brewer, July 13 and Aug. 3 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Hawkes & Bragg, Okhampton; Stogdon, Exeter.—Petition filed June 26.

**RICHARD THWAITES**, Addle-street, London, warehouseman and commission agent, dealer and chapman, July 12 and Aug. 7 at 2, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Lloyd & Rule, 26, Milk-street, Cheap-side, London.—Petition filed June 28.

**RICHARD CLARK** and **JOHN INGLIS**, King's-cross, Middlesex, drapers, dealers and chapmen, July 12 and Aug. 9 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Reed & Co., Friday-street.—Petition filed June 20.

**SAMUEL JAMES BIRD**, Weston, near Bath, Somersetshire, brewer, dealer and chapman, July 11 and Aug. 8 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Bevan & Girling, Bristol; Lawrence & Co., Old Jewry-chambers, London.—Petition filed June 26.

**WILLIAM FOWLER**, Abergavenny, Monmouthshire, grocer, shopkeeper, dealer and chapman, July 11 and Aug. 8 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Bevan & Girling, Bristol; J. & J. H. Linklater, 17, Sise-lane, London.—Petition filed June 26.

### MEETINGS.

*James Richard Grimsdale*, Pemberton, Lancashire, master coal miner, July 13 at 11, District Court of Bankruptcy, Liverpool, pr. d.—*Nicholas Kennedy*, Shudehill, Manchester, ivory turner, July 13 at 12, District Court of Bankruptcy, Manchester, last ex.—*John Amey*, West Tarring, Sussex, market gardener, July 18 at 12, Court of Bankruptcy, London, aud. ac.—*Wm. Hill* and *T. Campion Lawrence*, Lime-st., London, insurance agents, July 18 at 12, Court of Bankruptcy, London, aud. ac.—*John Walters*, *Arthur Jones*, and *David Jones*, Carmarthen, bankers, July 13 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Thos. Wilson* and *Henry Corbett*, Madras, East Indies, and Manchester and Preston, Lancashire, merchants, July 15 at 12, District Court of Bankruptcy, Manchester, aud. ac.; July 21 at 12, div.—*J. Robinson*, Hexham, Northumberland, currier, July 13 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*John Whitney*, Birkenhead, Cheshire, currier, July 11 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Wm. Tweedle*, Liverpool, soap boiler, July 11 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*J. Scott* and *Henry Bragg*, Walbrook, London, commission merchants, July 24 at 12, Court of Bankruptcy, London, fin. div.—*Daniel Wm. Lucas* and *Isaac Dods*, Arthur-street West, London, flax merchants, July 24 at 2, Court of Bankruptcy, London, div. sep. est. of *Isaac Dods*.—*Thos. O'Brien Gleadah*, Leamington, Warwickshire, music seller, July 24 at 1, Court of Bankruptcy, London, div.—*Mary Parkes*, Golden-square, Middlesex, printer, July 24 at 1, Court of Bankruptcy, London, div.—*Alfred Gwy*, Upper Rosoman-street, Clerkenwell, Middlesex, lamp manufacturer, July 24 at 2, Court of Bankruptcy, London, div.—*G. Steer* the younger, Margate, Kent, baker, July 24 at 2, Court of Bankruptcy, London, div.—*T. Hutchings*, Park-street, Westminster, Middlesex, and Great Grimsby, Lincolnshire, and Auston, Yorkshire, railway contractor, July 21 at 11, Court of Bankruptcy, London, div.—*George Jarrett*, (and not *George Janett*, as advertised in the Gazette of the 16th inst.), Wickham Welford, Berkshire, builder, July 8 at 11, Court of Bankruptcy, London, div.—*Samuel Mead* and *Wm. Mead*, Liverpool, iron merchants, July 24 at 11, District Court of Bankruptcy, Liverpool, div. sep. est. of *Samuel Mead*.—*John Cheshire*, Hartford, Cheshire, salt manufacturer, July 24 at 11, District Court of Bankruptcy, Liverpool, div.—*T. Cartwright*, Manchester, toy merchant, July 15 at 12, District Court of Bankruptcy, Manchester, div.—*James Guest*, Manchester, cotton spinner, July 21 at 12, District Court of Bankruptcy, Manchester, div.—*Jesse Joyce*, Bolton-le-Moors, Lancashire, bookseller, July 24 at 12, District Court of Bankruptcy, Manchester, div.—*J. Jones* the younger and *T. Oakes*, Kingswinford, Staffordshire, ironmasters, July 20 at 10, District Court of Bankruptcy, Birmingham, fin. div.—*Gregory Barrett* the elder and *Gregory Barrett* the younger, Kidderminster, Worcestershire, and Bath-street, Newgate-street, London, carpet manufacturers, July 29 at 12, District Court of Bankruptcy, Birmingham, div.—*James T. Wigney*, Huddersfield and Wakefield, Yorkshire, wine merchant, July 21 at 11, District Court of Bankruptcy, Leeds, div.—*J. Denbigh*, Bradford, Yorkshire, woolstapler, July 21 at 11, District Court of Bankruptcy, Leeds, div.—*James Burgin*, Sheffield, Yorkshire, tailor, July 22 at 10, District Court of Bankruptcy, Shef-

field, div.—*Thomas B. King*, York, manufacturer of paperhangings, July 21 at 11, District Court of Bankruptcy, Leeds, div.—*H. Parker, Offley Shore, J. Brewin, and J. Rodgers*, Sheffield, Yorkshire, bankers, July 22 at 10, District Court of Bankruptcy, Sheffield, div. sep. est. of *Offley Shore*.—*I. Blackburn* and *Wm. S. Stiebel*, Leeds, Yorkshire, ironfounders, July 21 at 11, District Court of Bankruptcy, Leeds, div. sep. est. of *Isaac Blackburn*.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Charles Ferguson*, Hitchin, Hertfordshire, draper, July 22 at half-past 12, Court of Bankruptcy, London.—*G. F. Rositer*, London-wall, London, wholesale clothier, July 22 at 11, Court of Bankruptcy, London.—*Frederick Rosenborg*, Froeschool-street, Horselydown, Middlesex, cask manufacturer, July 22 at half-past 2, Court of Bankruptcy, London.—*William Cliff*, Ulting, Essex, cattle salesman, July 24 at 12, Court of Bankruptcy, London.—*Robert N. Newton* and *Thos. G. Payne*, New Park-street, Southwark, Surrey, gas engineers, July 24 at 12, Court of Bankruptcy, London.—*John Sharpe*, Barn Elms, Barnes, Surrey, cowkeeper, July 25 at 12, Court of Bankruptcy, London.—*J. Baker*, Edgeware-road, and *Jonson-place*, Westbourne-green, Middlesex, draper, July 25 at 12, Court of Bankruptcy, London.—*M. Jarvis*, Leeds, Yorkshire, woolstapler, Aug. 1 at 11, District Court of Bankruptcy, Leeds.—*B. Redfern*, Manchester, stonemason, July 24 at 12, District Court of Bankruptcy, Manchester.

To be granted, unless an Appeal be duly entered.

*Charles Birchall*, Maidstone, Kent, pipe manufacturer.—*S. Sterne*, Great St. Helen's-chambers, Great St. Helen's, London, merchant.—*T. Ward*, Goswell-street, Middlesex, hosier.—*James Crofts*, Threadneedle-street, London, mine share agent.—*James Shannon*, Liverpool, linendraper.—*J. Joyce*, Bolton-le-Moors, Lancashire, bookseller.—*Charles Bramer*, Sheffield, Yorkshire, wood dealer.—*John Brown*, Sheffield, Yorkshire, chemist.

## PETITIONS ANNULLED.

*Richard Clements*, St. John's-wharf, Millbank-st., Westminster, Middlesex, coal merchant.—*Thomas Hodgson*, Leeds, Yorkshire, draper.

## SCOTCH SEQUESTRATION.

*John Hislop Cumming* and *Daniel Crawford*, Glasgow, shawl manufacturers.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*John Quine*, Liverpool, tailor, July 3 at 10, County Court of Lancashire, at Liverpool.—*James Edward Stevens*, Everton, near Liverpool, grocer, July 3 at 10, County Court of Lancashire, at Liverpool.—*William Booth Naylor*, Halifax, Yorkshire, grocer, July 14 at 10, County Court of Yorkshire, at Halifax.—*Humphrey Bell*, Halifax, Yorkshire, tea dealer, July 14 at 10, County Court of Yorkshire, at Halifax.—*Jas. Brewer*, Halifax, Yorkshire, commission agent for the sale of brushes, July 14 at 10, County Court of Yorkshire, at Halifax.—*John Palin*, Northwich, Cheshire, waterman, July 4 at 11, County Court of Cheshire, at Northwich.—*George Fordham*, Long Melford, Suffolk, bricklayer, July 18 at 12, County Court of Suffolk, at Sudbury.—*Richard Talbot*, Fenny Stratford, Buckinghamshire, boot maker, July 25 at 12, County Court of Buckinghamshire, at Newport Pagnel.—*R. Booth*, Forton, Staffordshire, labourer, July 12 at 11, County Court of Shropshire, at Newport.—*Matthew Bell*, Tynemouth, Northumberland, innkeeper, July 21 at 10, County Court of Northumberland, at North Shields.—*W. Wilkes*, Ashperton, Herefordshire, innkeeper, July 22 at 9, County Court of Herefordshire, at Ledbury.—*Francis Bean*, Clifford, near Tadcaster, Yorkshire, shoemaker, July 8 at 10, County Court of Yorkshire, at Boston.—*Alfred Stansfield*, York, out of business, July 17 at 10, County Court of Yorkshire, at York Castle.—*Wm. Weismen Fox*, York, engine fitter, July 17 at 10, County Court of Yorkshire, at York Castle.—*John Harrison Peacock*, South Stockton, Yorkshire, clerk to a guano merchant, July 11 at 10, County Court of Durham, at Stockton.—*Andrew Mather*, South Shields, Durham, publican, July 20 at 10, County Court of Durham, at South Shields.—

*Thos. Dobson*, Houghton-le-Spring, Durham, grocer, July 17 at 10, County Court of Durham, at Durham.—*Cornelius Gwinnutt* the elder, Walsall, Staffordshire, plumber, July 15 at 10, County Court of Staffordshire, at Walsall.—*J. Arnold*, Ipswich, Suffolk, law stationer, July 14 at 9, County Court of Suffolk, at Ipswich.—*Charles Cattermole*, Ipswich, Suffolk, baker, July 14 at 9, County Court of Suffolk, at Ipswich.—*Thomas Day*, Ipswich, Suffolk, tailor, July 14 at 9, County Court of Suffolk, at Ipswich.—*Robert Stevenson*, Ipswich, Suffolk, horse dealer, July 14 at 9, County Court of Suffolk, at Ipswich.—*Geo. Wm. Rushbrooke*, Ipswich, Suffolk, tailor, July 14 at 9, County Court of Suffolk, at Ipswich.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

July 14 at 10, before the CHIEF COMMISSIONER.

*Edward Wells*, Staines, Middlesex, hawk of fish.

July 17 at 10, before the CHIEF COMMISSIONER.

*Richard Mowle*, Gillingham-street, Pimlico, Middlesex, plumber.—*John Eli Baker*, Aldersgate-street, London, boot maker.—*Daniel Haynes*, Ferdinand-street, Hampstead-road, Middlesex, retailer of ale.—*Thos. Brookes*, Gloucester-street, Pimlico, Middlesex, banker's clerk.

The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

July 14 at 10, before Mr. Commissioner MURPHY.

*George Henry Wilson*, Stamford-street, Blackfriars-road, Surrey, printer.

July 15 at 11, before Mr. Commissioner PHILLIPS.

*Henry B. Smith*, Upper Ebury-street, Pimlico, Middlesex, out of business.—*Francis Taylor*, Waverley-terrace, Alfred-road, Westbourne-green, Harrow-road, Paddington, Middlesex, wholesale ironmonger.—*Francis Tomkins*, Orchard-street, Crisp-street, Poplar New-town, Middlesex, out of business.

July 17 at 10, before the CHIEF COMMISSIONER.

*John Yates*, Whitechapel-road, Middlesex, shoemaker.—*Edward K. Jervis*, Piccadilly, Middlesex, gentleman.—*James Perkins*, Warwick-street, Pimlico, Middlesex, cheesemonger.

## Adjourned Hearings.

July 14 at 10, before the CHIEF COMMISSIONER.

*William Arton*, Upper Park-street, Islington, Middlesex, general commission agent.

July 17 at 11, before Mr. Commissioner PHILLIPS.

*Henry H. Sadler*, Red Lion-passage, Red Lion-square, Middlesex, attorney's clerk.

July 17 at 10, before the CHIEF COMMISSIONER.

*James Wm. Howell*, Southampton-street, Fitzroy-square, Middlesex, manager of the Realm Insurance Company.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Gloucestershire, at GLOUCESTER, July 13 at 10.

*Henry Hinton*, (and not *Henry Henton*, as advertised in last Tuesday's Gazette), Gloucester, musician.

At the County Court of Warwickshire, at COVENTRY, July 17 at 12.

*Thomas Knowles*, Birmingham, porter dealer.—*Charles Phillips*, Birmingham, brass-cock founder.—*James Davis*, Birmingham, out of business.—*Wm. Johnson*, Birmingham, die sinker.—*S. Moltram*, Tamworth, Staffordshire, builder.—*Joseph Phillips*, Birmingham, provision dealer.—*William Billingsley*, Birmingham, out of business.

At the County Court of Yorkshire, at YORK, July 17.

*Benjamin Atkinson*, Leeds, joiner.—*Joseph Green*, Sheffield, provision merchant.—*Robert Spink*, Bradford, fishmonger.—*Abraham Holmes*, Manningham, near Bradford, commission agent.—*Wm. Bland*, Edgerton-grove, near Huddersfield, groom.—*John Robinson*, Stainforth, near Doncaster,



wheelwright.—*Joseph Jackson*, Leeds, cloth drawer.—*George Midgley*, York, out of business.—*Jane Young*, widow, Leeds, out of business.—*Joseph Buckle*, Bramley, near Leeds, tailor.—*James Kaye*, Cumberworth, near Penistone, joiner.—*J. Bramall*, Saddleworth, gentleman.—*John Harrison*, Pocklington, licensed hawk.—*Robert Smith*, York, bacon factor.—*Benjamin Bushner*, York, out of business.—*Richard Farrar*, Bramley, cloth manufacturer.—*Thomas Maudsley*, Leeds, cloth dresser.—*Thomas Forrest*, Bradford, out of business.—*James Woodhead*, Bradford, out of business.—*W. Dewhurst*, Keighley, tailor.—*Wm. Ward*, Bradford, cab proprietor.—*Wm. Brook*, Shiven-end, near Guiseley, near Leeds, beer-house keeper.—*Wm. Pearson*, Halifax, grocer.—*J. Baildon*, Halifax, bookseller.—*Matthew Lockwood*, Gildersome, near Leeds, out of business.—*Samuel Hardaker*, York, out of business.—*Joseph R. Simpson*, Sheffield, out of business.

## TUESDAY, JULY 4.

## BANKRUPTS.

**REBECCA CRICHTON** and **JAMES WILLIAM CRICHTON**, High-street, Newington-butts, Surrey, upholsterers, dealers and chapmen, July 18 at 2, and Aug. 8 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Cooper & Hodgson, 3, Verulam-buildings, Gray's-inn, London.—Petition filed June 29.

**ARTHUR HENRY COX**, High-street, Kensington, Middlesex, corn and seed merchant, dealer and chapman, (trading with *William Flexman* the younger, under the style or firm of *Flexman & Cox*), July 18 at half-past 2, and Aug. 9 at 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury, London.—Petition filed July 1.

**CHARLES JOHN CAFFALL**, Rickmansworth, Hertfordshire, auctioneer, dealer and chapman, July 13 at half-past 2, and Aug. 8 at 2, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Haynes, 19, Somerset-street, Portman-square, London.—Petition filed June 23.

**WILLIAM HENRY UNWIN**, Belle Vue-terrace, Honor Oak, Forest-hill, St. Giles, Camberwell, Surrey, builder and contractor, July 19 at 2, and Aug. 8 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Moss, 55, Gracechurch-street, London, and 1, Clifton-terrace, Asylum-road, Old Kent-road, Surrey.—Petition filed July 3.

**WILLIAM PATON**, Bread-street, London, warehouseman, dealer and chapman, July 17 at 12, and Aug. 18 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Murray, 11, London-street, Fenchurch-street.—Petition filed June 30.

**ALFRED IDEN HORSCROFT**, Union-road, Clapham, Surrey, builder and contractor, dealer and chapman, July 10 at half-past 1, and Aug. 19 at 2, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. J. & J. H. Linklater, 17, Sise-lane, London.—Petition dated June 23.

**CHARLES FREDERICK TIBBS**, America-square, London, shipowner and master mariner, trader, dealer and chapman, July 10 at half-past 12, and Aug. 19 at 2, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. J. & J. H. Linklater, 17, Sise-lane, London.—Petition dated June 3.

**ALFRED FIELDING**, Nelson-street, Greenwich, Kent, dealer in watches and clocks, jeweller, dealer and chapman, July 10 at 2, and Aug. 19 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Chilton & Co., 7, Chancery-lane, London.—Petition dated July 1.

**GEORGE EDWIN TOVEY**, Evesham, Worcestershire, inn-keeper, market gardener, dealer and chapman, July 17 and Aug. 9 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. New & Co., Evesham; Reece, Birmingham.—Petition dated June 20.

**CHARLES MEE**, Bath, Berlin wool and fancy needlework repository, July 17 and Aug. 15 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. T. & R. Cruttwell, Bath; Bevan & Girling, Bristol.—Petition filed June 27.

**GEORGE FORSTER**, Liverpool, stock and share broker, July 14 and Aug. 4 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Lowndes & Co., Liverpool.—Petition filed June 26.

**ISAAC COOK**, Sunderland, Durham, painter, dealer and chapman, July 18 at 1, and Aug. 18 at 12, District Court

of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Griffith & Crighton, Newcastle-upon-Tyne.—Petition filed June 22.

## MEETINGS.

*Wm. Henry Chidwick*, Dover, Kent, tobacconist, July 20 at half-past 2, Court of Bankruptcy, London, last ex.—*John Featon*, Three Colt-street, Limehouse, Middlesex, draper, July 20 at 12, Court of Bankruptcy, London, and ac.—*John Baker*, Edgeware-road, and Jonson-place, Westbourne-green, Middlesex, draper, July 25 at 12, Court of Bankruptcy, London, and ac.—*Hugh Eldrid*, Witney, Oxfordshire, grocer, July 25 at 1, Court of Bankruptcy, London, and ac.—*John Sharpe*, Barn Elms, Barnes, Surrey, cowkeeper, July 25 at 12, Court of Bankruptcy, London, and ac.—*Jesse Joyce*, Bolton-le-Moors, Lancashire, bookseller, July 17 at 12, District Court of Bankruptcy, Manchester, and ac.—*Thos. Magnus Taylor*, Newcastle-upon-Tyne, merchant, July 25 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; July 26 at 11, fin. div.—*Ralph Hutchinson*, Monkwearmouth Shore, Durham, shipbuilder, Aug. 8 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; Aug. 9 at 12, div.—*John Robson*, Durham, miller, Aug. 3 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; Aug. 4 at 11, div.—*Crosby Leighton*, Liverpool, grocer, July 14 at 11, District Court of Bankruptcy, Liverpool, and ac.—*James Gundry* and *William Gundry*, Goldsmithy, Cornwall, merchants, July 20 at 1, District Court of Bankruptcy, Exeter, and ac.; July 27 at 1, div.—*Richard Wells*, Brigg, Lincolnshire, draper, July 26 at 12, District Court of Bankruptcy, Kingston-upon-Hull, and ac.; at half-past 12, div.—*Wm. H. Summers*, Sackville-street, Middlesex, bill broker, July 25 at 12, Court of Bankruptcy, London, fin. div.—*George Battcock*, Brighton, Sussex, apothecary, July 25 at 1, Court of Bankruptcy, London, div.—*Benjamin Clark*, Gloucester-terrace, Hyde-park-gardens, Middlesex, dentist, July 25 at 1, Court of Bankruptcy, London, div.—*Philip Rufford*, *Francis Rufford*, and *Charles J. Wragge*, Stourbridge, Worcestershire, bankers, July 15 at 10, District Court of Bankruptcy, Birmingham, and ac. sep. ests. of *Philip Rufford* and *Charles J. Wragge*.—*George Poveyland*, Meeth, Devonshire, dealer in seeds, July 27 at 1, District Court of Bankruptcy, Exeter, div.—*Thomas Alletson*, Rumford-place and Boughton House, near Chester, drysalter, July 25 at 11, District Court of Bankruptcy, Liverpool, div.—*Edward S. Boulton*, Liverpool, stockbroker, July 25 at 11, District Court of Bankruptcy, Liverpool, div.—*John Whitmey*, Birkenhead, Cheshire, currier, July 25 at 11, District Court of Bankruptcy, Liverpool, div.—*Samuel Crane Fds*, Liverpool, wine merchant, July 25 at 11, District Court of Bankruptcy, Liverpool, div.—*Francis W. Robinson*, Southport, Lancashire, printer, July 26 at 11, District Court of Bankruptcy, Liverpool, div.—*John Robinson*, Hexham, Northumberland, currier, Aug. 8 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Edward Carter*, Murray-street, Hoxton, Middlesex, builder, July 27 at 12, Court of Bankruptcy, London.—*Hugh Eldrid*, Witney, Oxfordshire, grocer, July 25 at 1, Court of Bankruptcy, London.—*George Hartshorne* and *George Hartshorne* the younger, Great Dover-street, Southwark, Surrey, iron-mongers, July 25 at 1, Court of Bankruptcy, London.—*John Harrison*, Sunderland, Durham, licensed victualler, Aug. 9 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—*John Hunter*, Manchester, wholesale tea merchant, July 31 at 12, District Court of Bankruptcy, Manchester.—*Samuel C. Fox*, Liverpool, wine merchant, July 25 at 11, District Court of Bankruptcy, Liverpool.—*Thomas Manning*, Combe Lake, near Fair Mile, Ottery St. Mary, Devonshire, smith, July 27 at 1, District Court of Bankruptcy, Exeter.

*To be granted, unless an Appeal be duly entered.*

*Charles J. Matthews*, Lyceum Theatre, Strand, Middlesex, lessee of the said theatre.—*John Typpie*, Norwich, tailor.—*George Lawrence*, Abingdon, Berkshire, saddler.—*James T. Hulbert*, New-court, Bow-lane, London, and Upper Grange-walk, Brompton, Surrey, account-book manufacturer.—*Henry Carter*, Liverpool, brewer.

## PARTNERSHIP DISSOLVED.

*Thomas Fisher and George Stone*, Liverpool, attorneys-at-law and solicitors.

## SCOTCH SEQUESTRATIONS.

*John Porteous*, Glasgow, writer. — *M'Lellan & Angus*, Glasgow, warehousemen. — *Hugh Gray Ross*, Glasgow, lithographer.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*George Bull*, Bristol, retailer of beer, July 27 at half-past 10, County Court of Gloucestershire, at Bristol. — *C. Jones*, Bittou, Gloucestershire, baker, July 27 at half-past 10, County Court of Gloucestershire, at Bristol. — *George Batiye*, Almondsbury, Yorkshire, falling miller, July 17 at 11, County Court of Yorkshire, at Holmfirth. — *Henry France*, Shrewsbury, Shropshire, joiner, July 18 at 10, County Court of Shropshire, at Shrewsbury. — *Thomas Shelton*, Northampton, shoe manufacturer, July 19 at 10, County Court of Northamptonshire, at Northampton. — *George Lomas*, Manchester, labourer, July 24 at 12, County Court of Lancashire, at Manchester. — *Wm. Thomas*, Aberdare, Glamorganshire, tailor, July 13 at 10, County Court of Glamorganshire, at Merthyr Tydvil. — *James Allen*, Prestbury, Cheshire, silk dyer, July 20 at 11, County Court of Cheshire, at Macclesfield. — *Wm. Boyce* the younger, Dover, Kent, baker, July 10 at 10, County Court of Kent, at Ashford. — *Robert Brown*, Berwick-upon-Tweed, labourer, July 25 at 11, County Court of Northumberland, at Berwick.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*July 19 at 10, before the CHIEF COMMISSIONER.*

*Henry Bowker*, Lower Tulse-hill, Surrey, bookseller.

*July 19 at 10, before Mr. Commissioner MURPHY.*

*S. R. Anderson*, Princes-street, Stamford-street, Blackfriars-road, Surrey, compositor. — *Wm. Woolley*, Frederick-place, Goswell-road, Islington, Middlesex, hearth rug manufacturer. — *Ann Stoyour*, Eaton-place, Belgrave-square, Pimlico, Middlesex, household servant. — *G. V. Davies*, Albert-terrace, Ball's-pond, Islington, Middlesex, commercial traveller. — *J. Sharp* the younger, Fitzroy-place, Kentish-town, Middlesex, railway clerk. — *John James Powell*, Cobham and Bytley, Surrey, surgeon.

*July 20 at 11, before Mr. Commissioner PHILLIPS.*

*James Job Taylor*, Whitmore-place, West Hoxton, Middlesex, artificial flower maker. — *Thomas King*, Weston-place, Old St. Pancras-road, Middlesex, broker. — *George Watson*, Albert-grove, Montpellier-road, Rye-lane, Peckham, Surrey, contractor's agent. — *George Buckle*, London-wall, London, engraver. — *Thomas Pilbeam*, Dorset-street, Clapham-road, Surrey, millwright. — *John Berry*, Union-place, New Kent-road, Surrey, tailor. — *Henry Noble*, Tapp-street, Three Colts-lane, Bethnal-green, Middlesex, smith.

*Saturday, July 1.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Robert Elliott*, Cock-hill, Radcliffe, Middlesex, carpenter, No. 18,813 T.; *Wm. Willes*, new assignee; *James Willes* and *John Maclean*, deceased. — *Daniel R. Baylton*, Halifax, Yorkshire, grocer, No. 77,787 C.; *John Moss* and *John Crapper*, assignees. — *Wm. Pursell*, Bird's-place, George-street, Camberwell, Surrey, milkman, No. 56,551 T.; *Edward Biggs*, assignee. — *James Lippard*, Northfleet, Kent, grocer, No. 78,138 C.; *Richard W. Nutter*, assignee. — *Ann Hewitt*, widow, Woolwich, Kent, lodging-house keeper, No. 77,823 C.; *H. Green*, assignee. — *Joseph Dove*, Exchequer-place, Lewisham, Kent, tailor, No. 77,301 C.; *R. Kelsey*, assignee.

*Saturday, July 1.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*P. W. Lock*, Queen's Head-court, Giltspur-street, London,

out of business: in the Debtors Prison for London and Middlesex. — *Henry Brown*, Ledbury-road North, Kensington, Middlesex, corn dealer: in the Debtors Prison for London and Middlesex. — *W. J. Barrett*, Oval, Hackney-road, Middlesex, out of business: in the Gaol of Surrey. — *James Giddings*, Aldenham-street, St. Pancras Old-road, Middlesex, clerk to a builder: in the Debtors Prison for London and Middlesex. — *Henry L. Morand*, Great Titchfield-street, Marylebone, Middlesex, keeper of a betting office: in the Debtors Prison for London and Middlesex. — *James Weston*, Lime-street, London, out of business: in the Debtors Prison for London and Middlesex. — *Joseph Nelson*, Clayton-terrace, Strand-on-the-Green, Chiswick, Middlesex, auctioneer: in the Queen's Prison. — *Edwin A. Rudge*, Barking, Essex, linendraper: in the Debtors Prison for London and Middlesex. — *Thomas Byrne*, Angustus-street, Regent's-park, Middlesex, out of business: in the Debtors Prison for London and Middlesex. — *Peter Ryband*, Brompton-row, Brompton, Middlesex, general merchant: in the Debtors Prison for London and Middlesex. — *George H. Fimche*, John-street, Commercial-road East, Middlesex, master mariner: in the Debtors Prison for London and Middlesex. — *Robert Petley*, Canal-terrace, York-road, King's-cross, Middlesex, blacksmith: in the Debtors Prison for London and Middlesex. — *George Robert Layburn*, Alpha-road, Regent's-park, Middlesex, job master: in the Debtors Prison for London and Middlesex. — *E. W. Weipart*, Old Broad-street, London, working upholsterer: in the Debtors Prison for London and Middlesex. — *W. Baker*, Sun-street, Bishopsgate, London, shoemaker: in the Debtors Prison for London and Middlesex. — *Isabella Sharpe*, Richmond-st., St. George's-road, Surrey, milliner's assistant: in the Debtors Prison for London and Middlesex. — *Wm. Nunn*, Cambridge, publican: in the Gaol of Cambridge. — *John L. Shepherd*, Southampton, out of business: in the Gaol of Southampton. — *T. Harrison*, Aton, Warwickshire, out of business: in the Gaol of Coventry. — *Benjamin Lowe*, Dudley, Worcestershire, retail brewer: in the Gaol of Coventry. — *Henry Underwood*, Birmingham, out of business: in the Gaol of Coventry. — *Christopher Davis*, Middleton, Warwickshire, farm labourer: in the Gaol of Coventry. — *Margaret Salbeld*, Manchester, out of business: in the Gaol of Lancaster. — *Samuel Wilde*, Pontesbury, Shropshire, innkeeper: in the Gaol of Shrewsbury. — *John Dunkley*, Sheffield, Yorkshire, cabinet maker: in the Gaol of Hallam. — *John Heavyside*, Kendal, Westmoreland, out of business: in the Gaol of Appleby. — *Adam Hunter*, Oxford, draper and tea dealer: in the Gaol of Oxford. — *Samuel Sutherland*, Edenfield Torrington, Higher End, near Bury, Lancashire, builder: in the Gaol of Lancaster. — *John Joseph Calvert*, Horncastle, Lincolnshire, grocer: in the Gaol of Lincoln. — *Thos. Millership*, Dudley, Worcestershire, mine agent: in the Gaol of Coventry. — *Thos. Cowe*, Balsall Heath, Worcestershire, tailor: in the Gaol of Coventry. — *Charles Kemp*, Crowfield, near Debenham, Suffolk, bricklayer: in the Gaol of Ipswich. — *Daniel Scholefield*, Hambleton, near Selby, Yorkshire, woodman: in the Gaol of York. — *Samuel Mills*, Wolverhampton, Staffordshire, bricklayer: in the Gaol of Stafford. — *Henry John Quartley*, Dover, Kent, clerk in holy orders: in the Gaol of Dover. — *Wm. Wright*, Bishop Auckland, Durham, joiner: in the Gaol of Durham. — *George Wilding*, Manchester, provision-shop keeper: in the Gaol of Lancaster. — *Joseph Okell*, Rock Ferry, near Liverpool, share broker: in the Gaol of Lancaster. — *John Broadhurst*, Manchester, warehouseman: in the Gaol of Lancaster. — *William Mellor*, Northgate, Blackburn, Lancashire, tailor: in the Gaol of Lancaster. — *John Rowbotham*, Hulme, Manchester, wheelwright: in the Gaol of Lancaster. — *James Sutcliffe*, Manchester, provision-shop keeper: in the Gaol of Lancaster. — *Robert Hotherhall*, Preston, Lancashire, out of business: in the Gaol of Lancaster. — *Francis Wainington*, Chorlton-upon-Medlock, Manchester, out of business: in the Gaol of Lancaster. — *Charles Foster*, Longridge, near Preston, Lancashire, blacksmith: in the Gaol of Lancaster. — *John Hayward*, Birkenhead, near Liverpool, commission agent: in the Gaol of Lancaster. — *John Embleson*, Lower Broughton, Salford, Lancashire, painter: in the Gaol of Lancaster. — *William Bird Redish*, Liverpool, commission agent: in the Gaol of Lancaster. — *James Scott*, Blackburn, Lancashire, retail dealer in ale: in the Gaol of Lancaster. — *Joseph Harrop*, Chorlton-upon-Medlock, Manchester, cart owner: in the Gaol of Lancaster. — *Wm. Malster*, St. Benedict's, Norwich, out of business: in the Gaol of Norwich. — *Richard Baker Drake*, Norfolk, out

of business: in the Gaol of Norwich.—*Wm. Ebenezer Pincoff*, Bristol, cabinet maker: in the Gaol of Bristol.—*Robert Bushell*, West Bromwich, Staffordshire, labourer: in the Gaol of Stafford.—*Samuel Stout*, Bulwell, Nottinghamshire, lime burner: in the Gaol of Nottingham.—*Charles Bradford Baird*, Clifton-street, Finsbury, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*John Reynolds*, Manchester, provision-shop keeper: in the Gaol of Lancaster.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*July 18 at 10, before Mr. Commissioner MURPHY.*

*F. Henderson*, Pleasant-row, Shacklewell-green, Middlesex, surgeon-dentist.—*Edward Neighbour*, Fish-street-hill, London, eating-house keeper.—*James Neill*, Middlesex-st., Whitechapel, London, licensed victualler.—*Henry Easto*, New-cut, Lambeth, Surrey, salesman to an egg merchant.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Shropshire, at SHREWSBURY, July 18 at 10.*

*Samuel Wilde*, Pontesbury, innkeeper.

*At the County Court of Devonshire, at EXETER, July 18 at 10.*

*William Reed*, Dresden House, Torwood-road, Tormoham, builder.

*At the County Court of Staffordshire, at STAFFORD, July 19 at 11.*

*Wm. Parton*, Pleck-lane, near Walsall, butty collier.—*R. Bushell*, West Bromwich, licensed brewer.—*John Taberner*, Marchington, blacksmith.—*James Hassall*, Loughton, Stoke-upon-Trent, potter.—*Samuel Mills*, Wolverhampton, brick-layer.

*At the County Court of Northamptonshire, at NORTHAMPTON, July 19.*

*James Holdick*, Etton, near Market Deeping, in no business.—*George Hallam*, Northampton, agent for brewers.

*At the County Court of Lancashire, at MANCHESTER, July 24 at 12.*

*Thomas Russel*, Manchester, linen manufacturer.—*John Smith*, Manchester, commercial salesman.

*At the County Court of Buckinghamshire, at AYLESBURY, July 27 at 10.*

*Robert Turnock*, Eton, tailor.

#### MEETING.

*Halcomb Wm. Hatfield*, Battersea-square, Battersea, Surrey, out of business, July 21 at 12, at Mather's, 5, Fumival's-inn, London, sp. aff.

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LONDON; JULY 15, 1854.

At the present time naturally much interest is taken by all educated persons in questions relating to the rights and liabilities arising out of the state of war. In particular the rights of neutral powers, while several great powers are engaged in a war affecting their particular interests, and the interests of Europe generally, are the subject of serious consideration. On this subject we cannot do better, for the information of our readers, than to quote some passages from a most carefully-executed work lately published by Messrs. Hazlitt and Roche, members of the Bar\*, on the Law of Maritime Warfare. At p. 138 occurs the following passage:—

"It has been shewn that while neutral powers are permitted to trade in innocent merchandise with the enemy, and to convey it to him, they may not convey it to him into places that are blockaded, with which all commerce is forbidden. It is expedient, therefore, next to explain what blockade is, and the manner in which it is considered by the law of nations.

"Blockade is the carrying into effect, by an armed force, of that rule of war which renders commercial in-

tercourse, with the port or place, blockaded, unlawful on the part of neutrals.

"Amongst the rights of belligerents," says Dr. Phillimore in his able work on Licenses, (p. 49), "there is none more clear and incontrovertible, or more just and necessary as to its application, than that which gives rise to the law of blockade, as it has been ascertained, defined, and administered by the maritime tribunals of this country. The greater the research that shall be made into the principles of natural law, the more the details of the diplomatic and conventional history of Europe shall be studied, the more will it appear that this right has its origin in the purest sources of maritime jurisprudence, that it is sanctioned by the practice of the best times, and above all, that it is so essentially connected with the vital interests of Great Britain, that the renunciation of it, under any circumstances, must be regarded as the renunciation of one of the firmest charters of our naval pre-eminence, and as the surrender of one of the surest bulwarks of our national independence."

"If," says Vattel, (b. 3, c. 7, s. 117), "I lay siege to a place, or simply blockade it, I have a right to hinder any one from entering, and to treat as an enemy whomsoever attempts to enter the place, or carry anything to the besieged without my leave; for he opposes my undertaking, and may contribute to the miscarriage of it; and this involves me in all the misfortunes of an unsuccessful war."

"There are two sorts of blockade," says Lord

\* "A Manual of the Law of Maritime Warfare; embodying the Decisions of Lord Stowell and other English Judges, and of the American Courts, and the Opinions of the most eminent Jurists; with an Appendix of the Official Documents and Correspondence in relation to the present War. By William Hazlitt and Henry Philip Roche, Esqrs., of the Middle Temple and Lincoln's-inn, Barristers at Law."

Stowell, in *The Neptune*, (1 Rob. 171), 'one by the simple fact only, the other by a notification accompanied with the fact. In the former case, when the fact ceases, (otherwise than by accident or the shifting of the wind), there is immediately an end of the blockade; but where the fact is accompanied by a public notification from the government of a belligerent country to neutral governments, the blockade must be supposed to exist till it has been publicly repealed, and notification of such repeal made, in the same way, by the belligerent country which has notified the blockade. This notification it is the duty of the belligerent country to make immediately; as, to suffer the fact to cease, and to apply the notification again at a distant time, would be a fraud on neutral nations.'"

In a subsequent passage the question of *free ships free goods* is discussed:—

"The right to capture enemy's property on board a neutral ship has been much contested by particular nations, whose interests it strongly opposed. In 1780 the Empress of Russia proclaimed the principles of the Baltic code of neutrality, which she declared she would maintain by force of arms; one of the articles of that code being, that all effects belonging to the subjects of belligerent powers should be looked upon as free on board of neutral ships, except only such as were contraband. Sweden, Denmark, Prussia, Germany, Holland, France, Spain, Portugal, and Naples, and also the United States, acceded to the Russian principle of neutrality; but, in consequence of the more effective resistance of Great Britain, the conventional term of neutrality thus attempted to be set up was abandoned in 1793, as not sanctioned by the law of nations, except in those cases where a positive compact had been made by treaty. In 1801 a second attempt was made by the Baltic powers to enforce the doctrines of armed neutrality asserted in 1780, but the attempt was again defeated by the undoubted naval superiority of Great Britain and Russia, by a convention with England, in June, 1801, expressly agreeing that enemy's property was not to be protected on board of neutral ships. The entire question of *free ships free goods* is thus ably reviewed by Mr. Wheaton, in his *Elements of International Law*, 182—183:—

"Although, by the general usage of nations, independently of treaty stipulations, the goods of an enemy found on board the ships of a friend are liable to capture and condemnation, yet the converse rule, which subjects to confiscation the goods of a friend on board the vessels of an enemy, is manifestly contrary to reason and justice. It may indeed afford, as Grotius has stated, a presumption that the goods are enemy's property, but it is such a presumption as will readily yield to contrary proof, and not of that class of presumptions which the civilians call "*presumptiones juris et de jure*," and which are conclusive upon the party."

"But, however unreasonable and unjust this maxim may be, it has been incorporated into the prize code of certain nations, and enforced by them at different periods. Thus, by the French ordinances of 1638, 1643, and 1684, the goods of a friend laden on board the ships of an enemy are declared good and lawful prize. The contrary was provided by the subsequent declaration in 1650; but by the marine ordinance of

Louis XIV, of 1681, the former rule was again established. Valin and Pothier (*De Propriété*, No. 96) are able to find no better argument in support of this rule, than that those who lade their goods on board an enemy's vessels thereby favour the commerce of the enemy, and by this act are considered in law as submitting themselves to abide the fate of the vessel; and Valin asks, (lib. 3, tit. 9, "*Des Prise*," art. 7), "How can it be that the goods of friends and allies found in an enemy's ship should not be liable to confiscation, whilst even those of subjects are liable to it?" To which Pothier himself furnishes the proper answer—"that in respect to goods, the property of the King's subjects, in lading them on board an enemy's vessels they contravene the law which interdicts to them all commercial intercourse with the enemy, and deserve to lose their goods for this violation of the law." The fallacy of the argument by which this rule is attempted to be supported consists in assuming, what requires to be proved, that by the act of lading his goods on board an enemy's vessel the neutral submits himself to abide the fate of the vessel; for it cannot be pretended that the goods are subjected to capture and confiscation *ex re*, since their character of neutral property exempts them from this liability. Nor can it be shewn that they are liable *ex delicto*, unless it be first proved that the act of lading them on board is an offence against the law of nations. It is therefore with reason that Bynkershoek concludes that this rule, where merely established by the prize ordinances of a belligerent power, cannot be defended on sound principles. Where, indeed, it is made by special compact the equivalent for the converse maxim, that free ships make free goods, this relaxation of belligerent pretensions may be fairly coupled with a correspondent concession by the neutral, that enemy ships should make enemy goods. These two maxims have been, in fact, commonly thus coupled in the various treaties on this subject, with a view to simplify the judicial inquiries into the proprietary interest of the ship and cargo, by resolving them into the mere question of the national character of the ship. The two maxims are not, however, inseparable. The primitive law, independently of international compact, rests on the simple principle, that war gives a right to capture the goods of an enemy, but gives no right to capture the goods of a friend. The right to capture an enemy's property has no limit but that of the place where the goods are found, which, if neutral, will protect them from capture. We have already seen that a neutral vessel on the high seas is not such a place. The exemption of neutral property from capture has no other exceptions than those arising from the carrying of contraband, breach of blockade, and other analogous cases, where the conduct of the neutral gives to the belligerent a right to treat his property as enemy property. The neutral flag constitutes no protection to an enemy's property, and the belligerent flag communicates no hostile character to neutral property. States have changed this simple and natural principle of the law of nations, by mutual compact, in whole or in part, according as they believed it to be for their interest; but the one maxim, that *free ships make free goods*, does not necessarily imply the converse proposition, that *enemy ships make enemy goods*. The stipulation that neutral bottoms shall make neutral goods is a concession made by the belligerent to the neutral, and gives to the neutral flag a capacity not given to it by the primitive law of nations. On the other hand,

the stipulation subjecting neutral property found in the vessel of an enemy to confiscation, as prize of war, is a concession made by the neutral to the belligerent, and takes from the neutral a privilege he possessed under the pre-existing law of nations; but neither reason nor usage renders the two concessions so indissoluble that the one cannot exist without the other. It was upon these grounds that the Supreme Court of the United States determined that the treaty of 1795, between them and Spain, which stipulated that free ships should make free goods, did not necessarily imply the converse proposition, that enemy ships should make enemy goods, the treaty being silent as to the latter; and that consequently the goods of a Spanish subject found on board the vessel of an enemy of the United States were not liable to confiscation as prize of war; and although it was alleged that the prize law of Spain would subject the property of an American citizen to condemnation when found on board the vessels of her enemy, the Court refused to condemn Spanish property found on board a vessel of their enemy, upon the principle of reciprocity, because the American Government had not manifested its will to retaliate upon Spain; and until this will was manifested by some legislative act, the Court was bound by the general law of nations, constituting a part of the law of the land. (*The Ne-reide*, 9 Cranch, 388).'

'The conventional law in respect to the rule now in question has fluctuated at different periods, according to the fluctuating policy and interests of the different maritime states of Europe. It has been much more flexible than the consuetudinary law; but there is a great preponderance of modern treaties in favour of the maxim, *free ships free goods*, sometimes, but not always, connected with the correlative maxim, *enemy ships enemy goods*; so that it may be said that, for two centuries past, there has been a constant tendency to establish by compact the principle that the neutrality of the ship should exempt the cargo, even if enemy's property, from capture and confiscation as prize of war.'

Consistent with this is the declaration of the Crown of this country issued on the declaration of war, (see p. 404 of Messrs. Haslitt and Roche's work), which is as follows:—

"Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, having been compelled to take up arms in support of an ally, is desirous of rendering the war as little onerous as possible to the powers with whom she remains at peace.

"To preserve the commerce of neutrals from all unnecessary obstruction, her Majesty is willing for the present to waive a part of the belligerent rights appertaining to her by the law of nations.

"It is impossible for her Majesty to forego the exercise of her right of seizing articles contraband of war, and of preventing neutrals from bearing the enemy's despatches; and she must maintain the right of a belligerent to prevent neutrals from breaking any effective blockade which may be established with an adequate force against the enemy's forts, harbours, or coasts.

"But her Majesty will waive the right of seizing enemy's property laden on board a neutral vessel, unless it be contraband of war.

"It is not her Majesty's intention to claim the confiscation of neutral property, not being contraband of war, found on board enemy's ships; and her Majesty further declares, that being anxious as much as possible to lessen the evils of war, and to restrict its operations to the regularly organised forces of the country, it is not her present intention to issue letters of marque for the commissioning of privateers."

These questions have been the subject of a very recent debate in the House of Commons, in which we

were glad to see that the intentions of the Government, in favour of a liberal view of the law of nations on this point, were adopted by the Legislature.

Surely this is not the time when a country placed, as England is, at the head, and as it were in the active lead, of political civilisation, should rely upon rights resting on those principles of policy which obtained in periods when war was, not as it now is, the inevitable mode of settling the differences between the Governments of different countries on certain material subjects of quarrel, but a bitter personal contest between the subjects of the respective Governments, in which personal hatred led to the desire of mutual infliction of personal injuries, and when consequently a reckless indifference to the private interests of the innocent subjects of belligerent countries, was one of the consequences of war, and one of the supposed elements of successful warfare. At this day, with better means of information, we see that when two nations are at war to settle some quarrel, on which no intervening power can adjudicate, the great object of each state is to destroy or cripple the resources of the other, quâ state, and no further. But we see also that to destroy the trade of either state with other states, not meddling in the contest, is not only grossly unjust, but injurious to both belligerent states, inasmuch as it inflicts injury on those who have nothing to do with the quarrel, and, by reflection back, injures both the belligerent states long after they shall have settled their quarrel. Hence it is now beginning to be understood that the more the pernicious effects of war are confined to the actually belligerent states, the better it is for them; and that the more the exigencies of war can be allowed to permit the perfectly free action of neutral states with each belligerent state, the less will be the evil sustained by each at the conclusion of the war. We regret that our limited space prevents us from going more into detail on this subject, to which, however, we may have occasion to return; and we cannot conclude our observations better than by calling the attention of our readers to the work from which we have extracted the passages above quoted, from which they will derive abundant and accurate information on the law of nations as it affects the intercourse of states at war, first, as between themselves, and secondly, as between them and neutral nations.

## REGULA GENERALIS.

### ORDER OF COURT.—July 3, 1854.

I, ROBERT MONSEY BARON CRANWORTH, Lord High Chancellor of Great Britain, intrusted, by virtue of her Majesty the Queen's sign-manual, with the care and commitment of the custody of the persons and estates of persons found idiot, lunatic, or of unsound mind, do, with the advice and assistance of the Right Hon. Sir JAMES LEWIS KNIGHT BRUCE and the Right Hon. Sir GEORGE JAMES TURNER, the Lords Justices of the Court of Appeal in Chancery; also being intrusted as aforesaid, and by virtue of and in exercise of the powers or authorities in this behalf vested in me by the Lunacy Regulation Act, 1853, and of every other power or authority in anywise enabling me in this behalf, order and direct as follows—that is to say,

From and after the 5th July, 1854, all office copies and other copies of proceedings and documents in matters in lunacy shall be counted and charged for after the rate of seventy-two words per folio; and where such copies, or any portion thereof, shall comprise columns containing figures, each figure shall be counted and charged for as one word.

(Signed) CRANWORTH, C.

J. L. KNIGHT BRUCE, L. J.

G. J. TURNER, L. J.



## THE STATUTE-LAW COMMISSION.

(Continued from p. 240).

Sect. 11 purports to define the cases in which a married woman may exercise testamentary volition. The third case is, that "a married woman may make a will in exercise of such powers as she is empowered to exercise by will notwithstanding coverture." Either this is a circle, or it implies the necessity of an express dispensation of the disability in the power, and thus alters the law. It should be, "in exercise of a power." If the power is limited to discovery, a will made during coverture is not made in exercise of it.

"Fourthly, a married woman who is an executrix may make a will appointing an executor or executors as to the personal estate of her testator." This should run, "who is or becomes a sole executrix."

The exceptions in favour of married women are made in the Wills Act by leaving them as they stood before the act, which is the safe and proper course, as well as the easiest. The case of a will made with the husband's consent is omitted from the draft, probably on account of the difficulty of expressing its conditions accurately—at any rate, no satisfactory reason is given for abolishing the privilege. It is true that such wills are not often made, and when made stand on a precarious footing; but the existence of a head of law in relation to them shews that they are occasionally useful. In cases where the possession of separate estate or of a testamentary power enables the wife to put the husband in his election, the privilege may be not only convenient, but important.

Mr. Brickdale's proposal to alter the law in respect of the wives of felons, by confining the exception to the husband's civil death, seems to have arisen from a confusion of conviction of felony with attainder, and of banishment for life, which is a species of civil death, with banishment for a term, which is not. A convict of felony forfeits his goods, and may be banished for a term without suffering civil death, and during the term his marital rights are suspended. (*Ex parte Franks*, 1 Moo. & Sc. 1). There is no reason for subjecting the wife of such a convict to testamentary disability. In *Coombes v. The Queen's Proctor* (16 Jur., part 1, p. 820) the Prerogative Court came to an erroneous conclusion, but we are not on that account to alter the law for the worse. The bill would also deprive the wife of an alien enemy of her power to make a will. All this is the result of undertaking to declare the common law.

Sect. 12. "The preceding section applies to all wills by married women made after this act comes into operation, whether such woman [women] were married before or after the passing of the act." If this is necessary, then innumerable titles supposed to be taken under the Fines and Recoveries Act are bad. Clause 21 is similarly superfluous.

Sect. 13. "A will must be in writing, and the testator must affix his signature thereto for the purpose of authentication."

Sect. 14. "The signature of the testator must be affixed or acknowledged by him in the joint presence of two witnesses."

Sect. 15. "Both witnesses must attest that the signature of the testator was affixed or acknowledged in their joint presence by severally affixing their signatures to the will in the testator's presence," [signatures as significant as Lord Burleigh's shake of the head.]

Sect. 16. "The testator may sign by the hand of another person, but the witnesses [a witness] may not."

These clauses seem to deal satisfactorily with the difficult subject of execution and attestation. But it would be neater to say (sect. 13) that "a will must be

in writing, signed by the testator, for the purpose of authentication," for the word "affix" can be significant only to the effect of raising a quibble on the distinction between affixing and suffixing.

We dissent from Mr. Brickdale's criticism on Lord St. Leonards' Act, 15 & 16 Vict. c. 24, that it "has proceeded in a wrong direction, and is not likely to produce beneficial results," and that the enumeration of certain particulars will exclude others. The act is correct in substance, though not a model of conciseness. It expressly provides that the enumeration of particulars shall not restrain the generality of the enactment which it follows; and in extenuation of the superfluities in the act, it may be urged that it was framed for the guidance of the very peculiar intellects of the Ecclesiastical Courts.

Sects. 17 and 18 contain alterations of the law of evidence, which we do not propose to discuss. But the allowance as attesting witnesses of persons incompetent from crime, &c., to give evidence is omitted without any apparent reason.

Sect. 20. "Wills in exercise of powers executed as required by this act are sufficiently executed, and the requisition of any additional or other form of execution or solemnity is of no effect." "Solemnity" is not a word of art, and it would be impossible to say, before a decision, whether it extended to registration, enrolment in Chancery or in the court rolls of a manor, &c.

In this, as in many other clauses of the draft, an affected and inaccurate use of the present tense may be noticed. The present tense is only proper where the enactment has an immediate transitory action, as where it is said that a certain custom is repealed. But to say of future wills that they *are* sufficiently executed, that a condition to be annexed to a future power *is* of no effect, &c., is to attain singularity at the expense of grammar.

Sect. 23. "It is to be presumed, in the absence of evidence to the contrary, that all erasures, obliterations, and additions in a will were made after the execution thereof." Another illustration of the danger of attempting to fix the common law. An erasure or interlineation which gives sense to a passage otherwise insensible is not presumed to be made after execution: the proposed inflexible rule would defeat the will in such a case; for even if "evidence" could be held to include what is called "internal evidence," the fact that the will was insensible before the alteration affords no evidence of the date of the alteration.

Sect. 24. "All wills are revoked by marriage." The saving in the Wills Act of testamentary appointments of property which would not, in default of appointment, pass to the testator's heir or personal representatives, is omitted on account of the "inconvenience of having a trivial exception to a general rule." A strange reason! This trivial exception has in a case within our knowledge been the means of saving a large family, brought up in opulence, from utter destitution. The exception is not trivial, but essential. Inconvenience is to be anticipated from a rule which operates in cases beyond its principle, but not from an exception that makes the rule harmonise with its principle.

Sect. 28. "A specific gift by will operates as a gift of all the estate or interest of the testator at the time of his death in the thing given."

Sect. 29. "A general or residuary gift by will operates as a gift of all the property of the testator to which the terms of the gift are applicable at the time of his death."

These sections are intended to replace the 23rd and 24th sections of the Wills Act. The proper substitute for those sections is a blank. They were suggested by an unfounded distrust of the power of the general enabling clause. If before the Wills Act a testator bequeathed his horse "Trajan" to his nephew, and in the



interval between the making of his will and his death sold and repurchased Trajan, the bequest took effect. The extension of the devising power to all real estate belonging to the testator at his death necessarily subjected devises of real estate to a similar construction. The 24th section of the Wills Act might be better expressed, and would be better omitted; but, except for superfluity, it is not objectionable in substance. Mr. Brickdale's 28th section would alter the law for the worse. "The thing given," being contrasted with the testator's estate or interest in it, must mean the land or chattel itself; so that if a testator, having a term of seven years in a farm, were to devise the farm even by the description of "his leasehold farm at A," or "all his unexpired term in the farm at A," and afterwards acquired the fee, (a case of frequent occurrence), the gift would pass the fee. In terms, indeed, the clause goes much further, for it makes a specific gift for life pass the fee, if the testator has the fee. The golden rule in dealing with questions of construction is, to abolish arbitrary regulations and irrational precedents, and leave the Courts to their own discretion.

(To be continued).

### London Gazettes.

FRIDAY, JULY 7.

#### BANKRUPTS.

**JOHN WEBB**, Rayleigh, Essex, grocer and general dealer, dealer and chapman, July 17 and Aug. 24 at 1, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Goren, 29, South Molton-street, Oxford-street.—Petition filed July 6.

**CHARLES WHITE**, Watford, Hertfordshire, sheep and cattle dealer, dealer and chapman, July 17 and Aug. 24 at half-past 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Sanger, 4, Essex-court, Temple.—Petition filed July 5.

**JAMES JOHN NEWMAM** and **JAMES LEADBETTER**, Charlton, Kent, waterproofers, (trading under the style or firm of Newmam & Leadbetter), July 15 at 2, and Aug. 26 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Sawbridge, 126, Wood-street, Cheapside, London.—Petition filed July 5.

**JOHN ELLIS WATKINSON**, Halifax, Yorkshire, grocer, dealer and chapman, July 21 and Aug. 9 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Wavell & Co., Halifax.—Petition dated June 29.

**SAMUEL YOUNDS**, Birkenhead, Cheshire, joiner and builder, July 21 and Aug. 10 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sol. Bell, Liverpool.—Petition filed June 30.

**JOHN WILLIAM WILLIAMS** and **WILLIAM FISHER WARBECK**, Liverpool, manufacturing chemists, dealers and chapmen, (trading under the style or firm of Williams & Warbeck), July 21 and Aug. 10 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Evans & Son, Liverpool.—Petition filed July 1.

**JOHN GIBSON**, Distington, Cumberland, grocer, dealer and chapman, July 14 and Aug. 15 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Musgrave, Whitehaven; Griffith & Crighton, Newcastle-upon-Tyne.—Petition filed June 26.

#### MEETINGS.

*Henry Crane*, Dudley, Worcestershire, grocer, July 27 at 10, District Court of Bankruptcy, Birmingham, last ex.—*Jas. Cospe*, Preston, Lancashire, joiner, July 19 at 12, District Court of Bankruptcy, Manchester, last ex.—*Henry Clayburn*, Hulme, Manchester, builder, July 31 at 12, District Court of Bankruptcy, Manchester, last ex.—*Robert Burr*, Gosport, Southampton, shoemaker, Aug. 2 at 2, Court of Bankruptcy, London, aud. ac.—*Thos. Holland*, Milner-square, Islington, Middlesex, tobacco broker, Aug. 2 at 1, Court of Bankruptcy, London, aud. ac.—*John Wilson*, Barking, Essex, corn dealer, Aug. 2 at 12, Court of Bankruptcy, London, aud. ac.—*S. Clarkson Peters*, Southampton, draper, Aug. 1 at 11, Court of Bankruptcy, London, aud. ac.—*Isaac Blackburn* and *Wm. Sigismund Stibel*, Leeds, Yorkshire, ironfounders, July 20

at 11, District Court of Bankruptcy, Leeds, aud. ac. joint est., and aud. ac. sep. est. of *Isaac Blackburn*.—*J. Denbigh*, Bradford, Yorkshire, woolstapler, July 20 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*James Townsend Wigney*, Huddersfield and Wakefield, Yorkshire, wine merchant, July 20 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*T. B. King*, York, manufacturer of paper hangings, July 20 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*G. Lawrence*, Abingdon, Berkshire, saddler, and Sunningwell, Berkshire, brickmaker, July 28 at 11, Court of Bankruptcy, London, div.—*F. Quick*, Bristol, jeweller, July 31 at 12, Court of Bankruptcy, London, div.—*Robert Gillett* the elder, Prince's-road, Lambeth, Surrey, flour factor, Aug. 1 at 12, Court of Bankruptcy, London, div.—*George Bender*, Bristol, glass dealer, Aug. 4 at 11, District Court of Bankruptcy, Bristol, div.—*John Roebuck* and *William Roebuck*, Bank End Mill, near Holmfirth, Yorkshire, and *Jonathan Roebuck*, Austonley, and *EH Roebuck*, Mossley Brow, Lancashire, woollen cloth manufacturers, July 28 at 11, District Court of Bankruptcy, Leeds, div.—*Thomas Broadbent*, Halifax, Yorkshire, draper, July 28 at 11, District Court of Bankruptcy, Leeds, div.—*Wm. Brunton*, Bradford, Yorkshire, joiner, July 28 at 11, District Court of Bankruptcy, Leeds, div.—*Thos. Hind*, Sheffield, Yorkshire, joiner, July 29 at 10, District Court of Bankruptcy, Sheffield, div.—*Charles Bramer*, Sheffield, Yorkshire, wood dealer, July 29 at 10, District Court of Bankruptcy, Sheffield, div.

#### CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

*Robert Burr*, Gosport, Southampton, shoemaker, Aug. 2 at 2, Court of Bankruptcy, London.—*Thomas Holland*, Milner-square, Islington, Middlesex, tobacco broker, Aug. 2 at 1, Court of Bankruptcy, London.—*Charles Henry May*, Edgeware-road, Marylebone, Middlesex, jeweller, July 31 at half-past 12, Court of Bankruptcy, London.—*James Merchant*, Foulmire, Cambridgeshire, grocer, July 31 at half-past 11, Court of Bankruptcy, London.—*B. R. Waite*, Wormwood-street, London, butcher, July 31 at half-past 1, Court of Bankruptcy, London.—*John Wilson*, Barking, Essex, corn dealer, Aug. 2 at 12, Court of Bankruptcy, London.—*Wm. B. George*, Gloucester, scrivener, Aug. 1 at 11, District Court of Bankruptcy, Bristol.—*James Nuttall*, *James Yates*, and *Charles Nuttall*, Rawtenstall, Lancashire, cotton manufacturers, July 28 at 12, District Court of Bankruptcy, Manchester.—*Wm. Dolton*, Sutton St. Mary, Lincolnshire, common brewer, Aug. 8 at 10, District Court of Bankruptcy, Nottingham.—*James Potts*, Stoke-upon-Trent, Staffordshire, confectioner, July 27 at 10, District Court of Bankruptcy, Birmingham.—*John Bates*, West Bromwich, Staffordshire, builder, July 27 at 10, District Court of Bankruptcy, Birmingham.—*Thomas Hind*, Sheffield, Yorkshire, joiner, July 29 at 10, District Court of Bankruptcy, Sheffield.—*J. Holmes* and *Robert Holmes*, Sheffield, Yorkshire, builders, July 29 at 10, District Court of Bankruptcy, Sheffield.

To be granted, unless an Appeal be duly entered.

*W. Brown*, Portsmouth, licensed victualler.—*J. Whitehead*, *J. Whitehead* the younger, and *G. Wyatt*, Prince's-street, Lambeth, Surrey, rectifiers.—*Mary Long*, Clifton, Bristol, hotel keeper.—*H. E. Harries*, Tredegar, Monmouthshire, draper.—*Robert Williams*, Mold, Flintshire, draper.—*J. Howard*, Great Grimaby, Lincolnshire, and *Manningtree* and *Mistley*, Essex, shipowner.—*S. Sharp* and *W. L. Middleton*, Leeds, Yorkshire, printers.—*Thomas Booth*, Halifax, Yorkshire, innkeeper.

#### SCOTCH SEQUESTRATIONS.

*J. G. Taylor & Co.*, Edinburgh, wholesale jewellers.—*T. Ross*, Glasgow, commission agent.—*Paterson, Macdonald, & Co.*, Glasgow, commission agents.

#### PARTNERSHIPS DISSOLVED.

*James W. R. Hall* and *Henry Minett*, Ross, Herefordshire, attorneys and solicitors.—*Charles Lees* and *George Humble*, Bradford, Yorkshire, attorneys and solicitors, (under the firm of Lees & Humble).

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Thomas Ashley*, Warboys, Huntingdonshire, labourer, July 22 at 10, County Court of Huntingdonshire, at Huntingdon.—

*Joseph Parker*, Dinton, Buckinghamshire, baker, July 27 at 10, County Court of Buckinghamshire, at Aylesbury.—*Wm. Franks*, Wendover, Buckinghamshire, tailor, July 27 at 10, County Court of Buckinghamshire, at Aylesbury.—*Charles Mander*, Chinnor, Oxfordshire, chairmaker, July 26 at 2, County Court of Oxfordshire, at Thame.—*Elizabeth Fundall*, Wendover, Buckinghamshire, harness maker, County Court of Buckinghamshire, at Aylesbury.—*Thomas Nash*, Loudwater, High Wycombe, Buckinghamshire, builder, July 13 at 11, County Court of Buckinghamshire, at High Wycombe.—*Henry Beech*, Aashury, Cheshire, silk throwster, July 18 at 11, County Court of Cheshire, at Congleton.—*Arthur Tibbenham*, Burgh St. Peters, Norfolk, shopkeeper, July 19 at 10, County Court of Suffolk, at Beccles.—*Stephen Tyllett*, Botesdale, Suffolk, fishmonger, July 17 at 2, County Court of Suffolk, at Eye.—*Simon Pais*, Bristol, retailer of beer, Aug. 3 at half-past 10, County Court of Gloucestershire, at Bristol.—*Benjamin Evans*, Bristol, grocer, July 27 at half-past 10, County Court of Gloucestershire, at Bristol.—*Wm. Staples*, Greeting, Northamptonshire, grocer, Aug. 12 at 10, County Court of Rutlandshire, at Uppingham.—*Anthony Montgomery*, Old Hill, near Rowley, Staffordshire, out of employ, July 21 at 9, County Court of Worcestershire, at Dudley.—*Isaiah Pearson*, Netherton, Dudley, Worcestershire, labourer, July 21 at 9, County Court of Worcestershire, at Dudley.—*Emanuel Fereday*, Dudley, Worcestershire, painter, July 21 at 9, County Court of Worcestershire, at Dudley.—*Alexander Rollason*, Smethwick, Staffordshire, photographic artist, July 22 at 9, County Court of Staffordshire, at Oldbury.—*Joseph Evans*, Chester, printer, July 10 at 10, County Court of Cheshire, at Chester.—*James Ellis*, Lockwood, near Huddersfield, Yorkshire, druggist, July 20 at 10, County Court of Yorkshire, at Huddersfield.—*Thomas Mines*, Apaley, Huddersfield, Yorkshire, woollsorter, July 20 at 10, County Court of Yorkshire, at Huddersfield.—*John Finsland*, Swansea, Glamorganshire, licensed victualler, July 20 at half-past 9, County Court of Somersetshire, at Bridgewater.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*July 21 at 10, before the CHIEF COMMISSIONER.*

*Thomas J. Empson*, Evelyn-street, Tanner's-hill, Deptford, Kent, miller's clerk.—*John Hedgecock Jenkins*, Prince's-st., Rotherhithe, Surrey, market gardener.

*July 24 at 11, before the CHIEF COMMISSIONER.*

*Sarah Fisher*, Seething Walls, near Kingston, Surrey, grocer.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*July 21 at 10, before Mr. Commissioner MURPHY.*

*John Holmes*, York-buildings, Adelphi, Middlesex, managing agent to the Athenæum Life Assurance Society.—*John R. Oates*, Providence-place, Cambridge-road, Mile-end, Middlesex, tailor.—*Joseph Allbright*, Richmond-st., St. George's-road, Lambeth, Surrey, out of business.—*George Parby*, Hastings, Sussex, ironmonger.

*July 22 at 11, before Mr. Commissioner PHILLIPS.*

*Joseph Cartwright*, London-street, Fenchurch-street, London, Custom-house agent.—*James Giddings*, Aldenham-st., St. Pancras Old-road, Middlesex, clerk to a builder.

*July 24 at 11, before the CHIEF COMMISSIONER.*

*George Ruffell*, Montague-terrace, Trinity-square, Surrey, commission merchant.—*Matthew Owen*, Great Smith-street, Westminster, Middlesex, timekeeper for omnibus proprietors.—*John Thomas Gais*, Waltham-cottages, Warner-road, Camberwell New-road, Surrey, out of business.

*July 24 at 11, before Mr. Commissioner PHILLIPS.*

*Thomas Trill*, Apollo-buildings, East-st., Walworth, Surrey, ale merchant.—*Alexander Jones*, Bevis Marks, London, dealer in cigars.—*Joseph Nelson*, St. James's-place, Upper Grange-road, Bermondsey, Surrey, commission agent.

*County Court of Lancashire, at Lancaster. Assignees have been appointed in the following Cases:—*

*Joshua Rhodes*, Rochdale, stonemason, No. 78,154; John Clegg, assignee.—*Francis Bernard*, Manchester, out of busi-

ness, No. 78,159; Nathaniel Taylor, assignee.—*W. Hutchinson*, Hulme, Manchester, joiner, No. 78,155; James Baines, assignee.—*Richard Edwards*, Liverpool, watch manufacturer, No. 78,163; Wm. Eaves, assignee.—*Edward Billman*, Manchester, out of business, No. 78,251; John Plant, assignee.—*Thos. Hallworth*, Dukinfield Hall, near Ashton-under-Lyne, No. 78,187; Robert Winterbottom, assignee.—*John Thomas Byrom*, Blackburn, out of business, No. 78,157; Ralph Spencer, assignee.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Lancashire, at LANCASTER, July 21 at 12.*

*Alex. Simpson Sloan*, Liverpool, master mariner.—*George Holden*, Bolton-le-Moors, out of business.—*Charles Whitehead*, Preston, out of business.—*J. Hopkinson*, Bury, builder.—*John Sharples*, Bolton-le-Moors, joiner.—*Geo. Frederick Brindle*, Manchester, out of business.—*John Wilson*, Burnley, grocer.—*Margaret Salkeld*, Manchester, out of business.—*Samuel Sulherst*, Higher End, near Bury, joiner.—*Jacob Greenhalch*, Oldham, manager of a cotton card room.—*Geo. Cook*, Pendleton, near Manchester, wheelwright.—*Wm. Bird Redish*, Liverpool, commission agent.—*Jos. Coates Borwell*, Stratford, near Manchester, out of business.—*Mary Leech*, widow, Rochdale, out of business.—*Robert Tinker*, Manchester, out of business.—*Francis Winnington*, Chorlton-upon-Medlock, Manchester, out of business.—*Robert Hotherwall*, Preston, out of business.—*James Scott*, Blackburn, retail dealer in ale.—*Thomas Lancashire*, Newton Heath, near Manchester, out of business.—*T. Foster*, Liverpool, saddler.—*J. Broadhurst*, Manchester, coal dealer.—*Geo. Wilding*, Manchester, retail dealer in ale.—*John Rowbottom*, Hulme, Manchester, wheelwright.—*Charles Foster*, Longridge, Preston, blacksmith.—*James Sutcliffe*, Manchester, provision-shop keeper.—*Joseph O'Kell*, Liverpool, share broker.—*Oswald Jekewood*, Middleton, near Manchester, confectioner.—*Abel Duke*, Ashton-under-Lyne, confectioner.

*At the County Court of Norfolk, at NORWICH, July 22.*

*Wm. Maltster*, Norwich, out of business.—*Richard Baker Drake*, Corpuity, out of business.—*Joseph Hardmeat*, King's Lynn, ironmonger.

*At the County Court of Buckinghamshire, at AYLESBURY, July 27 at 10.*

*Joseph Ashby*, Cheddington, labourer.—*Chas. White*, Stoke Poges, ostler.—*Thomas Elliott*, Cheddington, butcher.—*R. Whittington*, Beaconsfield, out of business.

*At the County Court of Kent, at DOVER, Aug. 18 at 11.*

*Henry John Quartley*, Dover, clerk in holy orders.

MEETING.

*Robert Welham* the elder, Somersham, near Ipswich, Suffolk, bricklayer, July 24 at 12, at Hayward's, Needham Market, sp. aff.

TUESDAY, JULY 11.

BANKRUPTS.

**BODHAM BUTLER WHISKER**, Castle-street, Holborn, London, tailor, (carrying on business in partnership with George Sully), July 21 at 1, and Aug. 24 at half-past 1, Court of Bankruptcy, London: Off. Ass. Cannan; Sola, Sole & Co., 68, Aldermanbury; Hick, 11, Gray's-inn-square.—Petition filed July 8.

**JAMES TRIGGS, WILLIAM TRIGGS, and EDWARD TRIGGS**, Southampton, upholsterers and cabinet makers, dealers and chapmen, July 17 at half-past 1, and Aug. 25 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sola, Mackey, Southampton; Paterson, 7, Bouverie-street, Fleet-street, London.—Petition filed July 7.

**JAMES SWALLOW**, Maidenhead, Berkshire, corn and coal merchant, dealer and chapman, July 20 at half-past 2, and Aug. 22 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sola, Lawrance & Co., 14, Old Jewry-chambers, London.—Petition filed July 7.

**GEORGE SEWELL GREEN**, Aylesbury-street, Clerkenwell, Middlesex; Mount-street, Lambeth, Surrey; Warwick-street, Fimliss, Middlesex; Minories, London; and Elm Cottages, Hornsey, Middlesex, grocer and tea dealer, July 24 and Aug. 22 at 1, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Rose, 11, Salisbury-street, Strand, London.—Petition filed July 7.

**GIOVANNI BAPTISTA GIUSTINIANI** and **SAVERIO CASTELLI**, (together with Frank Castelli and Francesco Francescovich Braggiotti, who have since obtained their certificates), Bury-court, St. Mary-axe, London, merchants, (carrying on business with Leonardo Giustiniani and Brice Giustiniani, under the style or firm of Castelli, Giustiniani, & Co.; the said Saverio Castelli and Brice Giustiniani also carrying on business in Fenchurch-street, London, as merchants, under the style or firm of S. Castelli & B. Giustiniani; the said Saverio Castelli residing at Upper Clapton, Middlesex; the said Brice Giustiniani and Leonardo Giustiniani residing at Constantinople; and the said Giovanni Baptista Giustiniani being now at Leghorn), July 24 at half-past 2, and Aug. 22 at 1, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Lawrance & Co., 14, Old Jewry-chambers, London.—Petition filed Nov. 7, 1851.

**JOHN ADAMS**, Longton, Staffordshire, china manufacturer, dealer and chapman, (lately trading in partnership with Samuel Hartshorne and James Fernyhouse, as china manufacturers, under the firm of Hartshorne & Co.), July 21 at 12, and Aug. 18 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. E. & H. Wright, Birmingham.—Petition dated July 5.

**JOHN DAVID NEILL** and **HENRY SANDERSON**, Liverpool, ship brokers and general merchants, dealers and chapmen, (carrying on business there under the firm of Neill, Sanderson, & Co.), July 19 and Aug. 14 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sol. Holden, Liverpool.—Petition filed July 7.

#### MEETINGS.

*Francis Quick*, Bristol, jeweller, July 22 at 1, Court of Bankruptcy, London, and. ac.—*Hugh Parker*, *Offley Shore*, *John Brewin*, and *J. Rodgers*, Sheffield, Yorkshire, bankers, July 22 at 10, District Court of Bankruptcy, Sheffield, and. ac. sep. est. of *Offley Shore*.—*James Burgin*, Sheffield, Yorkshire, tailor, July 22 at 10, District Court of Bankruptcy, Sheffield, and. ac.—*Augustus Rissi*, Leeds, Yorkshire, looking-glass manufacturer, Aug. 1 at 12, District Court of Bankruptcy, Leeds, and. ac. and div.—*Michael Lees*, Salterhebble, Halifax, Yorkshire, woollen manufacturer, Aug. 1 at half-past 11, District Court of Bankruptcy, Leeds, and. ac. and fin. div.—*Peter Backhouse*, Liverpool, glass dealer, July 21 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*George Procter*, *Jos. Procter*, and *Thomas Procter*, Rochdale, Lancashire, cotton spinners, July 24 at 12, District Court of Bankruptcy, Manchester, and. ac. sep. est. of *George Procter*; July 31 at 12, and. ac. joint est.; Aug. 2 at 12, div. joint est., and div. sep. est. of *George Procter*.—*Abraham H. Chambers* the elder and *Abraham H. Chambers* the younger, New Bond-street and South Molton-st., Middlesex, bankers, Aug. 3 at 12, Court of Bankruptcy, London, fin. div.—*Joseph Symes*, Queen's-buildings, Knightsbridge, Middlesex, cheesemonger, Aug. 1 at 12, Court of Bankruptcy, London, div.—*Samuel Clarkson Peters*, Southampton, draper, Aug. 8 at 12, Court of Bankruptcy, London, div.—*Joseph Dodsworth Browning*, Bristol, cabinet maker, Aug. 3 at 11, District Court of Bankruptcy, Bristol, fin. div.—*M. Milne*, Manchester, grocer, Aug. 3 at 12, District Court of Bankruptcy, Manchester, div.—*Cooper Eubank*, Manchester, sharebroker, Aug. 3 at 12, District Court of Bankruptcy, Manchester, div.—*Peter Backhouse*, Liverpool, glass dealer, Aug. 3 at 11, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*W. Wright*, Thetford, Norfolk, butcher, Aug. 2 at 1, Court of Bankruptcy, London.—*James Hunt*, Lupus-street, Pimlico, Middlesex, builder, Aug. 2 at 12, Court of Bankruptcy, London.—*Joseph J. Wells*, Coventry, haberdasher, Aug. 3 at 12, Court of Bankruptcy, London.—*Edward Pateson*, Preston, Lancashire, draper, Aug. 3 at 12, District Court of Bankruptcy, Manchester.—*Joshua Wormald*, Glossop, Derbyshire, shoemaker, Aug. 4 at 12, District Court of Bankruptcy, Manchester.—*Montgomery Gladstone* and *Joseph Creevy Bond*, Manchester, general brokers, Aug. 2 at 12, District Court of Bankruptcy, Manchester.—*Thomas Norbury* and *Richard Bindloss*, Manchester, silk manufacturers, Aug. 3 at 12, District Court of Bankruptcy, Manchester.

To be granted, unless an Appeal be duly entered.

*Thos. Ashley*, Coleman-street, Camberwell, Surrey, licensed

victualler.—*Andrew Burn*, Sackville-street, Piccadilly, Middlesex, tailor.—*W. Morris*, Tunbridge, Kent, cabinet maker.—*John Cox*, New-road, Lower-road, Rotherhithe, Surrey, builder.—*Henry Malcolm Ramsay*, Elgin-crescent, Kensington Park, Middlesex, builder.—*Edw. Wilkinson*, Liverpool, tailor.—*Francis W. Robinson*, Southport, Lancashire, printer.—*Joseph Moss*.—*Thos. Hughes*, Wednesbury, Staffordshire, innkeeper.—*Christopher James Taylor*, Birmingham, coal dealer.—*Jas. Bough*, Kidderminster, Worcestershire, carpet manufacturer.—*Rowland Hill*, Nottingham, lace merchant.

#### PARTNERSHIPS DISSOLVED.

*Charles Castle*, *Alfred Henderson*, and *Eustace Barkham*, Bristol, attorneys, solicitors, and conveyancers, (as far as regards the said *Charles Castle*).—*Daniel Smith Bockett* and *George Cowbram*, Lincoln's-inn-fields, Middlesex, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*William Learmonth*, West Calder, Edinburgh, grazier.—*John Dykes*, Glasgow, builder.—*William Dickson*, Glasgow, wine merchant.—*Wm. Sclater*, Loanhead, Edinburgh, grocer.—*David Gaudie*, Montrose, plumber.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Charles Yourle*, Brighton, Sussex, bookseller, July 15 at 10, County Court of Sussex, at Brighton.—*Mark Wynter*, Brighton, Sussex, chemist, July 15 at 10, County Court of Sussex, at Brighton.—*William Charman*, Brighton, Sussex, retailer of beer, July 15 at 10, County Court of Sussex, at Brighton.—*Chas. Mathew*, Ixworth, Suffolk, machinist, July 24 at 10, County Court of Suffolk, at Bury St. Edmunds.—*George Simons*, Cambridge, pianoforte tuner, July 24 at 10, County Court of Cambridgeshire, at Cambridge.—*William Guess*, Leicester, grocer, Aug. 16 at 10, County Court of Leicestershire, at Leicester.—*John Crossley*, Leicester, lamb's wool spinner, Aug. 16 at 10, County Court of Leicestershire, at Leicester.—*Mark R. Ashford*, Cardiff, Glamorganshire, chemist, July 21 at 10, County Court of Glamorganshire, at Cardiff.—*William Crow*, Hough-upon-the-Hill, Lincolnshire, cordwainer, Aug. 9 at 10, County Court of Lincolnshire, at Grantham.—*John Scale* the elder, Milford, Pembrokehire, licensed victualler, July 25 at 10, County Court of Pembrokehire, at Haverfordwest.—*George H. Motteram*, Liverpool, general agent, July 17 at 10, County Court of Lancashire, at Liverpool.—*Cornelius Roberts*, Walton-on-the-Hill, Lancashire, out of business, July 17 at 10, County Court of Lancashire, at Liverpool.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

July 26 at 10, before the CHIEF COMMISSIONER.

*Isaac S. Spicer*, New Ormond-st., St. Andrew's, Holborn, Middlesex, lodging-house keeper.—*Thomas Keen*, Shepperton-place, New North-road, Islington, Middlesex, cheesemonger.—*Joseph Watkins*, Huntington-st., Caledonian-road, Islington, Middlesex, engraver.—*John M. Wren*, Seymour-place, John-street, Upper Holloway, Middlesex, out of business.

July 26 at 10, before Mr. Commissioner MURPHY.

*François Sas*, Huntley-street, Gower-street, New-road, Middlesex, cabinet maker.—*Robert Peake*, Aldersgate-street, London, cheesemonger.—*Alfred Fisher*, Vernon-street, Bag-nidge-wells-road, Middlesex, warehouseman to a milliner.—*James Boreham*, Portland-place, Westmoreland-road, Walworth-common, Surrey, carpenter.—*Charles Webster*, Red Lion-street, Holborn, Middlesex, watchmaker.

July 27 at 11, before Mr. Commissioner PHILLIPS.

*Robert John Hartwell*, Little Charlotte-street, Blackfriars-road, Surrey, compositor.—*Thomas Golding*, Spital-street, Dartford, Kent, stationer.—*John Elmes*, Church-street, Lower Edmonton, Middlesex, carman.—*Thomas Beaumont*, Mare-st., Hackney, Middlesex, livery-stable keeper.—*Elizabeth Parker*, Queen's-terrace, Marlborough-road, Chelsea, Middlesex, hat manufacturer.—*Wm. T. Hoare*, Maldon-road, Haverstock-hill, Middlesex, clerk to a merchant.

Saturday, July 8.

Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.

Wm. Thompson the younger, Handsworth, Staffordshire, out of business, No. 76,689 C.; George H. St. Clair, assignee.—John Wm. Mills, Cirencester, Gloucestershire, stationer, No. 78,070 C.; Thomas Smith, assignee.—James Crawford, Sheffield, Yorkshire, beer-house keeper, No. 78,085 C.; G. A. Haigh, assignee.—George Raven, South-town, near Great Yarmouth, Suffolk, gardener, No. 78,109 C.; Charles Turnor, assignee.—Thomas S. Binfield, Cheltenham, Gloucestershire, teacher of music, No. 78,217 C.; Wm. Binfield, assignee.—Francis Bernard, Manchester, out of business, No. 78,159 C.; Nathaniel Taylor, assignee.

Saturday, July 8.

Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—  
(On their own Petitions).

Henry C. Coape, Regent-street, Middlesex, in no profession: in the Queen's Prison.—Joseph Caldwell, Alfred-place, Old Kent-road, Surrey, skin salesman: in the Queen's Prison.—Stefanos Xenos, Duke-street, St. James's-square, Middlesex, ship agent: in the Queen's Prison.—John E. Brunt, Poland-street, Oxford-st., Middlesex, picture dealer: in the Debtors Prison for London and Middlesex.—Frederick Hermann, Upper Charlotte-street, Fitzroy-square, Middlesex, cabinet maker: in the Debtors Prison for London and Middlesex.—James Shipton, Cardigan-place, Kennington-cross, Surrey, coach-spring maker: in the Gaol of Surrey.—Walter Peck, Canning-place, Gloucester-road, Kensington, Middlesex, not in any trade: in the Queen's Prison.—Thomas Berriman, Edwards-terrace, Commercial-road, Peckham, Surrey, surveyor: in the Queen's Prison.—Peter Hoffman, Sackford-street, Clerkenwell, Middlesex, pocket-book manufacturer: in the Debtors Prison for London and Middlesex.—William Spencer, Hanover-street, Pimlico, Middlesex, retired clerk in the Admiralty, Somerset House: in the Debtors Prison for London and Middlesex.—John Dawson, Church-street, Camberwell, Surrey, cheesemonger: in the Queen's Prison.—G. Harvey, Brownlow-street, Drury-lane, Middlesex, silver burnisher: in the Debtors Prison for London and Middlesex.—Henry Simpson, Ossulston-street, Somers-town, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—Wm. Frankland, Preston, Lancashire, butcher: in the Gaol of Lancaster.—Thomas Lancashire, Newton Heath, near Manchester, out of business: in the Gaol of Lancaster.—G. F. Brindle, Manchester, out of business: in the Gaol of Lancaster.—John Holland, Heaton Norris, Lancashire, out of business: in the Gaol of Lancaster.—Charles Whitehead, Preston, Lancashire, out of business: in the Gaol of Lancaster.—Joseph C. Borswell, Manchester, out of business: in the Gaol of Lancaster.—Richard Allerton, Everton, Liverpool, wheelwright: in the Gaol of Lancaster.—Mary Leech, Rochdale, Lancashire, out of business: in the Gaol of Lancaster.—James Hopkinson, Bury, Lancashire, builder: in the Gaol of Lancaster.—George Holden, Bolton-le-Moors, Lancashire, out of business: in the Gaol of Lancaster.—John Wilson, Burnley, Lancashire, grocer: in the Gaol of Lancaster.—John Geary, Moss-side, near Manchester, gardener: in the Gaol of Lancaster.—George Richardson, Southampton, builder: in the Gaol of Southampton.—David Jones, Morriston, near Swansea, Glamorganshire, overman: in the Gaol of Cardiff.—Wm. W. Brown, Plymouth, Devonshire, out of business: in the Gaol of St. Thomas-the-Apostle.—Joseph Hardmeat, King's Lynn, Norfolk, ironmonger: in the Gaol of Norwich.—Wm. Harvey, Rochester, Kent, lath render: in the Gaol of Winchester.—George Charman, Redditch, Worcestershire, licensed victualler: in the Gaol of Warwick.—Thomas Elliott, Island of Portland, Dorsetshire, out of employ: in the Gaol of Dorset.—Gillet Taylor, Littleport, Isle of Ely, Cambridge-shire, shoemaker: in the Gaol of Cambridge.—Wm. Essex, Milton, Cambridgeshire, brewer: in the Gaol of Cambridge.—John Mortimer, Cleckheaton, near Leeds, Yorkshire, out of business: in the Gaol of York.—John Graves, Manchester, joiner: in the Gaol of Manchester.—George Pearson, Birkenhead, Cheshire, in no trade: in the Gaol of Chester.—James Cutton, Leicester, out of business: in the Gaol of Leicester.—William Bowles, Bromley, Lancashire, out of business: in the Gaol of Lancaster.

The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

July 25 at 10, before the CHIEF COMMISSIONER.

Thomas Byrne, Brighton, Sussex, potato dealer.

July 25 at 10, before Mr. Commissioner MURPHY.

Henry L. Morand, Great Titchfield-street, Marylebone, Middlesex, better on horse races.

July 26 at 10, before the CHIEF COMMISSIONER.

Wm. James Barrett, Oval, Hackney-road, Middlesex, out of business.—James Weston, Lime-street, City, out of business.

Adjourned Hearing.

July 26 at 10, before the CHIEF COMMISSIONER.

Wm. Henry Smith, Glengall-grove, Old Kent-road, Surrey, out of business.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Cambridgeshire, at CAMBRIDGE, July 24 at 10.

Wm. Nunn, Cambridge, publican.—Wm. Essex, Milton, brewer.—G. Taylor, Littleport, Isle of Ely, shoemaker.

At the County Court of Hampshire, at SOUTHAMPTON, July 25.

John L. Shepherd, Southampton, out of business.

At the County Court of Northumberland, at MORPETH, July 28 at 10.

John Taylor, North Shields, innkeeper.

At the County Court of Lincolnshire, at LINCOLN, Aug. 8 at 12.

John Joseph Calvert, Horncastle, grocer.

At the County Court of Oxfordshire, at OXFORD, Aug. 16 at 10.

Adam Hunter, Oxford, draper.

MEETINGS.

Anthony Goodridge, Plymouth, Devonshire, out of business, July 25 at 12, Court-house, Portugal-street, Lincoln's-inn-fields, London, sp. aff.

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The Right Hon. the Lord High Chancellor.	The Hon. Mr. Justice Erie.
The Right Hon. Lord Montague.	Nassau W. Senior, Esq., Master in Chancery.
The Right Hon. the Lord Chief Baron.	C. F. Cooper, Esq., Q.C., LL.D., F.R.S.
The Hon. Mr. Justice Coleridge.	George Capron, Esq.

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# The Jurist

No. 915—VOL. XVIII.

JULY 22, 1854.

PRICE 1s.

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LONDON, JULY 22, 1854.

THE law upon the effect of a power of appointment in a married woman has recently received an interpretation, which, if it be correct, will lead to consequences a little singular, and perhaps not altogether convenient. In the case of *Vaughan v. Vanderstegen* (2 Drew. 165) the Court elaborately discussed the principle on which the power of a married woman to contract debts, or, more strictly to speak, to incur liabilities, is based, and treated it as settled law that she can only do so in respect of her separate estate. The question, then, in that case, being whether the property over which a married woman has a general power of appointment by will only, without any limitation in favour of herself beyond a life estate, is liable, in the hands of her appointees, for debts contracted by her during coverture, it became necessary, for the purpose of deciding that question, to consider whether such property, or such power, is in any respect her separate estate; and the Court came to the conclusion that it is not; that the power is a mere power, and not an estate; that the property subject to it is in no sense the married woman's separate property; that she can have no enjoyment of it of any kind; and that the mere fact that she can dispose of it after her death by a special and particular mode of disposition, without the aid or intervention of her husband, does not make it her separate property: consequently that as, in respect of it, she is incapable of contracting a debt, it follows that it is not, in the hands of her appointees, liable to the debts incurred by her during coverture.

In the case referred to, however, the married woman had contracted some of the debts with which it was attempted to charge her appointed estate, by fraud, viz.

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by representing herself during coverture to be a single woman; and that raised a question upon which the case has been since re-argued; (upon this point it is not yet, we believe, reported); and the same learned judge who decided the first point has held that the intervention of fraud makes a great difference; that it puts the feme covert in the same position as if she were sole; and that for her debts, so contracted under a false representation of her being sole, the property subject to her mere general power of appointment by will, is chargeable in the hands of her appointees, exactly as if she were a man or a feme sole; and the Court has held that it is quite immaterial whether the false representation of discovery is made for the purpose of defrauding the creditor, or whether it is made for family reasons, without any intention of particular fraud. It is sufficient if the feme covert holds herself out generally as a feme sole, and the creditor believes her to be so, to impart to her the power to contract a debt in respect of the property over which she has only a power of appointment; though, if there were no such misrepresentation, she would not have that power. The learned judge appears, in so deciding, to have relied much on the case of *Savage v. Foster*, (9 Mod. 35). But we must not assume that he decided altogether on the authority of that case, for it was in its circumstances extremely different from the case before him, of a power of appointment by will only. In *Savage v. Foster* the married woman had not strictly contracted or purported to contract any debt at all. What she had done was to allow the tenant for life of real estate, in which she had the remainder, to hold herself out and to convey as the tenant in fee; then she became discoverte, and being discoverte, the Court compelled her to complete the title which she had by her fraud suffered to be taken;

the property was her property, which she could convey, and therefore could be compelled to convey during her lifetime; whereas in *Vaughan v. Vanderstegen* it would quite have passed the power of the Court to compel the married woman either to pass any estate during her lifetime, or effectually to appoint after her death, by any act done during her lifetime; for having only a power to appoint by a revocable instrument, it is clear, that even if the Court could compel her to make a will—an exercise of power for which we do not believe there is any authority—yet, at least, the Court could not by any exercise of its power prevent her from revoking a will so made, and making another: so that the Court cannot be supposed to have proceeded, in *Vaughan v. Vanderstegen*, on the principle of treating the property subject to the power of appointment as being applicable, after the married woman's death, to the purposes to which she might have been compelled to appoint it during her life; but on the broad principle that fraud imparts to a feme covert a power to contract debt in respect of, and chargeable upon, as her general assets, that property over which she has only a general power of appointment by will.

The proposition is new, and a little startling, viewed with reference to the principle on which it has been held by the same learned judge, that, in the absence of fraud, a married woman has no such power. Without, however, at present attempting to go the length of doubting whether it is good law, we may conclude, as we did at the commencement of these observations, that it will probably lead to some results not altogether consistent with the established notions of the relative liabilities of husband and wife.

#### THE STATUTE-LAW COMMISSION.

(Continued from p. 249).

Sect. 30. "In no case can a will operate as an exercise of any power which was not created before the making of the will." Mr. Brickdale says that in the case of a power the wish and intention of the donor of the power is entitled to the first consideration, and it is scarcely probable that he can mean that the property should pass by a will already executed, and necessarily made without reference to the power. This is to hide substance behind technicality. A general power of appointment is, for all testamentary purposes, the same thing as ownership, and should be governed by the same rules. A residuary gift is considered to represent the testator's wishes with respect to after-acquired property: why not also with respect to after-acquired powers? The question as to the donor's wishes is the same whether he gives a power or an estate. The intention in giving such a power is to give dominion either free from the disability of coverture, or without the power of irrevocable alienation inter vivos. The clause as it stands would deny operation even to an express recognition in the power of the efficacy of a pre-existing will.

Sect. 40. "If any person, who, if he had survived the testator, would have become entitled to any estate in tail or quasi in tail under a will, dies in the testator's lifetime, the gift does not lapse, but takes effect as if such person had died immediately after the testator, but not so as to give any estate or interest to any persons except those claiming under the entail." The intention of the saving clause is, we are told, to prevent the estate from becoming subject to the debts and contracts and the dower of the wife of the deceased devisee in tail, as if the estate had vested in him. We should be inclined to advise the widow to claim her dower "under the entail." The meaning is, that the gift shall take effect as if such person had died immediately after the testator, without leaving a

widow, and without having alienated or incumbered the devised estate; but in seeking to avoid a direct expression of this meaning, the clause has been so framed as to defeat the devise in the event of the devisee having executed a general disentailing assurance of all his lands.

There is no equivalent for the 33rd section of the Wills Act, which prevents the lapse of a gift to a child who dies before the testator, leaving issue. The only reason offered for this omission is, that it is better not to encourage negligence or indolence in testators. We believe that nothing that can be placed on the statute-book would have any effect on the proceedings of testators, by way either of encouragement or of discouragement. But we are sure that the existing enactment cannot do harm, and that in very many cases it has prevented serious hardship. Whether it is right that the gift should be subject to the will of the deceased child is a subordinate question, which, however, we have no hesitation in answering in the affirmative.

Sect. 41. "Gifts by will to trustees are to be construed in the same manner as beneficial gifts in respect of the estates or interests conferred." This is called by Mr. Brickdale a simple and convenient rule. We think that ingenuity could not contrive one more fertile of uncertainty and confusion. It is an elementary rule of construction, applicable not only to wills and deeds, but to every expression of thought, that we must take the sense of words and sentences, not merely as the dictionary and grammar indicate, but with a view to the business in hand. Besides the general convention from which a language takes its form, it is subject to a lesser convention between the parties using it for the time being, and, like the opal, changes its indications with the point of view. Language is also always incomplete, and in it, as in painting,

"A hand, a foot, a face, a leg, a head,  
Stands for the whole to be imagined."

But what whole is imagined depends upon the subject of the entire composition. A single sentence, however complete in construction, is senseless without its connexion. We commence a piece of music by announcing the key. A poet uses familiar words, but we seek in them the forms of things unknown; and when a testator tells us how he means his land to go, we so piece out the inevitable imperfections of his language as to evolve details consistent with his main design. In a fiduciary and in a beneficial gift the same expressions necessarily suggest different ideas, and to say that both shall be construed in the same manner, whether in respect to the estates or interests conferred, or in any other respect, is simply absurd. In the present case the absurdity is increased by the peculiarities of our law of real property. For example, a devise direct to the beneficiary must pass the legal estate if the testator has it; but how would the following devise be construed under the proposed enactment? "To A. and B. and their heirs, to the use of them and their heirs during the life of C., in trust for her separate use, and after her death to the uses of C.'s will; and in default of appointment, to the use of her children as tenants in common in fee." Or take a case like that in *Doe v. Simpson*, (5 East, 162), where the testator gave land to trustees, in trust out of the rents and profits to pay an annuity to A. for his life and to raise a legacy of 800*l.* for B., and after payment of the annuity and legacy, he gave the land to D., and he authorised the trustees to grant building leases. How are we to construe those limitations as if they were both to beneficiaries? Must we strike out the trusts? There will then be a gift to the trustees conferring the fee, followed by an executory limitation to D. in an event which is unknown, for we have struck out the words which describe it. Or if we argue, that as D. is not a trustee, the gift to



him is not within the proposed rule of construction and may be read by the light of common sense, then we have an absolute gift to the trustees in fee, followed by an executory devise to D. to take effect when the annuity and legacy are paid, which, we presume, is the very construction that the clause was intended to exclude. Similar absurdities would result from the application of the proposed rule to cases where the question is whether trustees take an estate or a power. Then, for verbal criticism, the scope of the clause is confined to the legal estate, and the contrasted word "interest" is out of place.

Sect. 42. "In construing a will it is to be presumed, unless a contrary intention appears, that the testator did not intend to include in any general or residuary gift property vested in him only as trustee or mortgagee, but [intended] to die intestate as to such property." Mr. Brickdale is not confident in recommending this clause. It seems calculated to raise many doubts, to solve none, and to cause great inconvenience. What will indicate a contrary intention? Suppose the gift is of "all my lands, chattels, monies on mortgage, and other securities, and all other my real and personal estate." The doubts that arise under the existing law are few, and the convenience of including trust and mortgage estates in a general devise is great. The difficulty created by the doctrine in *Cook v. Crasford* (13 Sim. 91) should be met by correcting it. That doctrine, however, has no application to a mortgage, and there is certainly no reason for withdrawing mortgages from the operation of a residuary devise. If the law must be altered, let it be done by vesting trust and mortgage estates in the personal representative.

We may notice the 49th clause, for the purpose of correcting Mr. Brickdale's statement, that the bill contains no interpretation clause—it is an interpretation of the word "will," and a superfluous one:—"The provisions of this act relating to wills extend to all codicils, testamentary appointments, and other documents of a testamentary nature."

Mr. Brickdale also contributes drafts of two bills—one for the apportionment of rents-service and other payments of the like nature, and the other for the apportionment of periodical payments between successive owners—introduced by some judicious observations on the scope and policy of the Apportionment Acts.

Sect. 1 of the first bill runs thus:—"On the determination by any means of any payment in the nature of rent or interest for the use or forbearance of any property, debt, or right, on any day except the day of payment, a proportion thereof, up to the day of such determination inclusive, becomes due on the next day of payment." "Except the day of payment" should be "except a day of payment;" and "the next day of payment" after the determination of the rent is the Greek Calends. But even Mr. Ker would trust the judges to read this as meaning what would be the next day of payment if the rent were to continue. The remedy for the recovery of the apportioned part is not stated, and the only remedy would be an action of debt, not on the specialty, but under the statute. The act now in force gives an action on the case. The proper course would have been to add, that the remedies for recovering such proportion should be the same as those for recovering arrears of the rent.

Sect. 1 of the second bill enacts, that "where any person succeeds to the right to receive any periodical payment on any day except the day of payment, he shall pay to the person to whom he has succeeded, or his personal representatives, a proportion of the next periodical payment, up to the day of such succession inclusive." ["The person to whom he has succeeded" should be "the person whom he has succeeded."]

Sect. 2. "Where more than one succession takes

place in the interval between two periods of payment, a just proportion shall be paid to each person whose interest has determined, or to his personal representatives." ["Periods" should be "consecutive days," and "just" is either superfluous here or wanting in sects. 1 and 3.]

Sect. 3. "In ascertaining the amount of the proportion to be paid or received, a proportion of all expenses, charges, and outgoings paid by any successor are [is] to be allowed to him."

Sect. 4. "The successor is not liable to pay such proportion except in respect of payments actually received by him, but he is bound as a trustee for all the persons to whom he succeeds to obtain such payment."

In the case of A. succeeding B., and C. succeeding B. in one interval of payment, it is not expressed whether C. is to pay A. and B. their respective portions, or C. is to pay B. the amount of both, leaving him to pay to A. his portion. The former would probably be held to be the meaning, but it is not expressed, and sects. 1 and 2 are inconsistent in terms. And it is not made clear whether the successor is to pay the proportion in full to the extent of his receipts, or only in proportion to his receipts. The words "in respect of" might perhaps be held to bear the latter meaning.

The substantial objection to this clause is, that it would alter the law, by imposing on the successor the duties and liabilities of a trustee without giving him even the option of disclaiming, and that merely to avoid an imaginary inconvenience to the party liable to pay. Mr. Brickdale says that it seems "not fair to throw on the parties who are liable to pay the obligation of ascertaining that a case for apportionment has occurred and the correct amount to which each party is entitled, at the risk of being obliged to pay twice over." The hardship here suggested is impossible. The party to pay must know that a succession has occurred, for he is to pay to the successor—a new hand; and he cannot ascertain the successor's title without also ascertaining the time when it accrued, and consequently the correct apportionment.

We do not understand with what object the bill prepared by Mr. Rogers for consolidating the statutes relating to masters and servants, and masters and workmen, has been printed. It is little more than an arrangement of the enactments now in force or supposed to be in force, copied for the most part without any verbal alteration beyond what the dislocation and rearrangement of the materials rendered absolutely necessary, but also with occasional arbitrary alterations and amendments. The result is, a repulsive and not very intelligible patchwork of clauses, drawn in all varieties of style, from the time of George II downwards—preposterous as a bill to be passed, and useless as materials for legislation, because not a faithful transcript of the existing law.

We have studied the reports of the commission with an anxious desire to find on them some hope of a lasting amendment of the statute law, but we have been disappointed. Mr. Coode is the only one of the commissioners who shews either wish or capacity to investigate the foundations of things, and to devise a comprehensive and consistent scheme of procedure; but his theory is not adopted, nor, as far as we can discover, even understood, by his colleagues or by the Lord Chancellor; and if the commission, as now constituted, is continued with any practical effect, the statute law will be periodically deranged by isolated consolidation acts, drawn on no common principle, often worse drawn than the acts replaced by them, forming no part of a system, and consequently involving no protection against the desultory and anomalous reforms of such amateurs and others as may not choose to sail under



the commissioners' flag. A well-arranged and well-expressed code, like any other intricate machinery, would reject unskilful tinkering; but in the activity of the present commission we see only an additional element of derangement. Change even in the form of the law is a great temporary evil: let it not be encountered without the prospect of an equivalent permanent good.

### London Gazettes.

FRIDAY, JULY 14.

#### BANKRUPTS.

**WARD WEST ARLISS**, Plymouth, Devonshire, ale and porter merchant, July 28 and Aug. 25 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Wyatt, 4, Verulam-buildings, Gray's-inn.—Petition filed July 12.

**THOMAS STENHOUSE**, Friday-street, Cheapside, London, warehouseman and commission agent, dealer and chapman, July 28 at 1, and Aug. 24 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Abrahams, 23, Southampton-buildings, Chancery-lane.—Petition filed July 12.

**JAMES PURDY** and **WILLIAM THOMAS PURDY**, King's Lynn, Norfolk, builders, (carrying on business under the style or firm of J. & W. Purdy), July 22 and Aug. 24 at half-past 1, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Nurse, King's Lynn, Norfolk; Trinder & Eyre, 1, John-street, Bedford-row.—Petition filed July 4.

**THOMAS SQUIRE**, Grosvenor-mews, Bond-st., Middlesex, coach builder, July 21 at 11, and Aug. 24 at 2, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Burkitt, Curriers' Hall, London-wall.—Petition filed July 13.

**CHARLES WHITE**, Salisbury, Wiltshire, upholsterer and cabinet maker, July 21 at 12, and Aug. 25 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Smith, 26, Argyle-street, Regent-street.—Petition dated July 12.

**ROBERT MORISON**, Drury-lane, Middlesex, baker, dealer and chapman, July 21 and Aug. 26 at half-past 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Harrison, 5, Walbrook.—Petition dated July 3.

**GEORGE TENNANT**, Market-street, Westminster, Middlesex, licensed victualler, dealer and chapman, July 21 at 12, and Aug. 26 at 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Gant, 37, Nicholas-lane, City.—Petition dated July 4.

**WILLIAM READE** and **GEORGE READE**, Hibernia-chambers, London-bridge, Southwark, Surrey, provision merchants and commission agents, traders, dealers and chapmen, (trading under the style or firm of Reade Brothers, William Reade residing at Cadogan-place, Sloane-street, and George Reade residing at King-st., St. James's, Middlesex), July 26 at 2, and Aug. 28 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Messrs. Linklater, 17, Sise-lane, City.—Petition filed May 24.

**WILLIAM HENRY FLEMING**, Camberwell, Surrey, brewer, dealer and chapman, July 27 at half-past 2, and Sept. 5 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Reed & Co., 59, Friday-street, Cheapside, London.—Petition filed July 13.

**CHRISTOPHER SPASHETT**, Barking, Essex, mast and block maker and smack owner, dealer and chapman, July 27 at half-past 2, and Aug. 29 at 1, Court of Bankruptcy, London: Off. Ass. Lee; Sols. J. T. & H. Baddeley, 48, Leman-street, Goodman's-fields, London.—Petition filed July 11.

**JOHN SMITH** and **LUKE ASHBY**, Great Coram-street, Brunswick-sq., Middlesex, linendrapers, silk mercers, outfitters, dealers and chapmen, July 26 at 1, and Aug. 29 at half-past 2, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Davidson & Bradbury, 22, Basinghall-street, London.—Petition filed July 12.

**TIMOTHY JOHN SMITH**, formerly of Landport, Hampshire, but late of Windsor, Berkshire, (trading at the latter place under the name of Jenkinson), dealer in cutlery, glass, china, and hardware, and general dealer, July 26 and Aug. 29 at 1, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Wilson, 16, Gresham-street, London.—Petition filed July 4.

**JAMES ROWLEY**, late of Stafford-street, Bond-street, but now of Shoreditch, Middlesex, commission agent and licensed victualler, July 25 at half-past 2, and Aug. 29 at half-past 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Finney, 6, Farnival's-inn, Holborn, London.—Petition filed July 10.

**WILLIAM SIMS**, St. George's-square, Fimlico, Middlesex, builder, dealer and chapman, July 26 at half-past 2, and Aug. 29 at 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Smith, 5, New-inn, Strand, London.—Petition filed July 4.

**JAMES DAVID JONES** and **CHARLES GOLD**, Cheap-side, London, tavern and eating-house keepers, July 23 at 2, and Aug. 29 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Pearce, 8, Giltspur-street, London.—Petition filed July 11.

**THOMAS ARCHER** and **SAMUEL ARCHER**, Burslem, Staffordshire, tailors and drapers, dealers and chapmen, July 31 and Aug. 21 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Smith, Birmingham.—Petition dated July 12.

**GORDON HENRY CRIPPS**, Shrewsbury, Shropshire, wine merchant, dealer and chapman, July 31 and Aug. 21 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Hodgson, Birmingham; Weeks, Cook's-court, Lincoln's-inn-fields, London.—Petition dated July 12.

**HENRY RUBBRA**, Dudley, Worcestershire, grocer, dealer and chapman, July 31 and Aug. 21 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Bolton, Dudley; Motteram & Co., Birmingham.—Petition dated July 7.

**CORNELIUS TERRY**, Birmingham, cut nail manufacturer, dealer and chapman, July 28 at 12, and Aug. 17 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Hayes, Wolverhampton.—Petition dated July 10.

**WILLIAM WHITEHEAD** and **MARY ANN WHITEHEAD**, Leicester, innkeepers and victuallers, dealers and chapmen, July 25 and Aug. 22 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Spooner, Leicester; Bonnor, Birmingham.—Petition dated July 4.

**JAMES ECKLEY PROCKTER**, New Quay, St. Columb Minor, Cornwall, shipowner and dealer in shares, dealer and chapman, July 25 and Aug. 24 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. G. & L. Cowland, Launceston; Stogdon, Exeter.—Petition filed July 8.

**GEORGE HOBSON**, Leeds, Yorkshire, grocer and provision dealer, dealer and chapman, (carrying on business at Leeds and Holbeck, Yorkshire), July 27 and Aug. 21 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sol. Middleton, Leeds.—Petition dated July 12.

#### MEETINGS.

*S. Sterne*, Great St. Helen's-chambers, Great St. Helen's, London, merchant, July 26 at 12, Court of Bankruptcy, London, pr. d.—*Josias Steer*, Plymouth, Devonshire, builder, Aug. 14 at 11, District Court of Bankruptcy, Plymouth, ch. ass.—*Joshua Crowther* and *Wm. Dickinson* the younger, Manchester, general Manchester warehousemen, Aug. 8 at 12, District Court of Bankruptcy, Manchester, last ex.—*Henry Hartley*, Trawden, near Colne, Lancashire, cotton manufacturer, Aug. 8 at 12, District Court of Bankruptcy, Manchester, last ex.—*Richard Fairbairn*, Preston, Lancashire, wholesale grocer, Aug. 4 at 12, District Court of Bankruptcy, Manchester, last ex.—*Joseph Lakin*, Crawford-st., St. Marylebone, Middlesex, linendraper, Aug. 3 at 12, Court of Bankruptcy, London, aud. ac.—*John Straker*, Jarrow, Durham, brick-maker, July 26 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Thomas Norbury* and *Richard Bindloss*, Manchester, silk manufacturers, July 31 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Aug. 7 at 12, div.—*John Henry Fuller*, Hixton, Lancashire, logwood grinder, Aug. 1 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Aug. 8 at 12, div.—*Wm. Cole*, Birkenhead, Cheshire, estate agent, July 25 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Samuel Crane Fox*, Liverpool, wine merchant, July 24 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Francis Whitfield Robinson*, Southport, Lancashire, printer, July 25 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Christopher Jas. Taylor*, Birmingham, coal dealer, Aug. 18 at 12, District Court of

Bankruptcy, Birmingham, aud. ac.; Aug. 25 at 12, div.—*R. Hill*, Nottingham, lace merchant, July 25 at 10, District Court of Bankruptcy, Nottingham, aud. ac.—*Richard Parke Hunt*, Kidderminster, Worcestershire, hosier, July 27 at 10, District Court of Bankruptcy, Birmingham, aud. ac.—*Wm. Branton*, Bradford, Yorkshire, joiner, July 27 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Thomas Broadbent*, Halifax, Yorkshire, draper, July 27 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Samuel Churchill*, Deddington, Oxfordshire, scrivener, Aug. 4 at 12, Court of Bankruptcy, London, div.—*P. S. F. Martin*, Halstead, Essex, iron manufacturer, Aug. 4 at 12, Court of Bankruptcy, London, fin. div.—*Caleb Wm. Elliott*, Aylesbury, Buckinghamshire, grocer, Aug. 4 at 12, Court of Bankruptcy, London, div.—*Henry Hutchens*, Portsea, Southampton, timber merchant, Aug. 4 at 12, Court of Bankruptcy, London, div.—*John Lewellin*, Bristol, haberdasher, Aug. 10 at 11, District Court of Bankruptcy, Bristol, fin. div.—*Chas. Henry Gray*, Bath, Somersetshire, provision merchant, Aug. 10 at 11, District Court of Bankruptcy, Bristol, fin. div.—*John Law*, Ramsden Wood, near Todmorden, and *Eli Hudson*, Gale, near Littleborough, Lancashire, cotton spinners, Aug. 8 at 12, District Court of Bankruptcy, Manchester, div. sep. est. of *John Law*.—*Thos. Marsden* and *John Clayton*, Rochdale, Lancashire, cotton manufacturers, Aug. 8 at 11, District Court of Bankruptcy, Manchester, div.—*Samuel Hamilton Watson* and *John Kingston*, Rochdale and Burnley, Lancashire, mercers, Aug. 8 at 11, District Court of Bankruptcy, Manchester, div.—*Jonathan Waddington*, Wigan, Lancashire, draper, Aug. 8 at 11, District Court of Bankruptcy, Manchester, div.

## CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

*Thos. Hoy Burton*, Winchester, cowkeeper, Aug. 4 at 11, Court of Bankruptcy, London.—*John Amey*, West Tarring, Sussex, market gardener, Aug. 4 at 1, Court of Bankruptcy, London.—*W. Michael Peniston*, Yetminster, Dorsetshire, railway contractor, Aug. 10 at 1, District Court of Bankruptcy, Exeter.—*Richard Grubbell* and *Richard Luscombe*, Tavistock, Devonshire, wholesale grocers, Aug. 10 at 1, District Court of Bankruptcy, Exeter.—*Wm. Trebilcock*, Plymouth, Devonshire, shoemaker, Aug. 14 at 11, District Court of Bankruptcy, Plymouth.—*Edward Coultate* and *Thomas Swindells*, Manchester, brokers, Aug. 7 at 12, District Court of Bankruptcy, Manchester.—*Jas. Burgin*, Sheffield, Yorkshire, tailor, Aug. 5 at 10, District Court of Bankruptcy, Sheffield.

To be granted, unless an Appeal be duly entered.

*John R. Pursell*, Ludgate-hill, London, and Regent-street, Pall-mall, Middlesex, biscuit baker.—*Alfred Horlock*, Northfleet, Kent, steam-engine manufacturer.—*James Matthias*, Swansea, Glamorganshire, linendraper.—*Jas. Evans* and *Geo. Davey*, Britton Ferry Iron Works, Glamorganshire, iron masters.—*Joseph White*, East Cowes, Isle of Wight, Southampton, ship builder.—*Wm. Edwards Brooking*, St. Stephens by Saltash, Cornwall, coal merchant.—*Henry Jas. Rogers*, Callington, Cornwall, surgeon.—*George Kirk*, Middlesbrough, Yorkshire, hardwareman.—*Richard Wm. Spendlow*, Market Drayton, Shropshire, chemist.

## PETITION ANNULLLED.

*W. Holmes Postans*, Enfield, Middlesex, wine merchant.

## PARTNERSHIP DISSOLVED.

*Daniel Smith Bockett* and *George Cowburn*, Lincoln's-inn-fields, Middlesex, attorneys and solicitors.

## SCOTCH SEQUESTRATIONS.

*Charles Robb*, Forfar, draper.—*David Notman*, Edinburgh, builder.—*Jas. Jamieson & Co.*, Borrowstounness, Linlithgowshire, potters.

## INSOLVENT DEBTORS

Who have fled their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Robt. Butterworth*, Lower-place, near Rochdale, Lancashire, provision dealer, July 27 at 12, County Court of Lancashire, at Rochdale.—*Henry S. Richards*, Lincoln, tailor, Aug. 8 at 12, County Court of Lincolnshire, at Lincoln.—*Thos. Jackman*, Ryde, Isle of Wight, Southampton, shoemaker, July 28 at 10, County Court of Hampshire, at Newport.—*William Lewis*, Bristol, out of business, July 20 at half-past 10, County Court of Gloucestershire, at Bristol.—*Silvester Crease*, Clevedon, Somersetshire, licensed beer-house keeper, July 20 at half-

past 10, County Court of Gloucestershire, at Bristol.—*Geo. Hardwick*, Bristol, beer retailer, July 20 at half-past 10, County Court of Gloucestershire, at Bristol.—*Thos. Madigan*, Chester, shoemaker, Aug. 2 at 10, County Court of Cheshire, at Chester Castle.—*Henry Wilby*, Barnsley, Yorkshire, gardener, Aug. 4 at 12, County Court of Yorkshire, at Barnsley.—*Wm. Tyas*, Upper Denby, Yorkshire, shoemaker, Aug. 4 at 12, County Court of Yorkshire, at Barnsley.—*John James*, Swansea, Glamorganshire, cabinet maker, July 18 at 10, County Court of Glamorganshire, at Swansea.—*R. Leonard*, Swansea, Glamorganshire, grocer, July 18 at 10, County Court of Glamorganshire, at Swansea.—*David W. Evans*, Swansea, Glamorganshire, draper, July 18 at 10, County Court of Glamorganshire, at Swansea.—*Jas. Everett*, Lye, near Stourbridge, Worcestershire, shoemaker, July 24 at 10, County Court of Worcestershire, at Stourbridge.—*Geo. Henikwaite*, Huddersfield, Yorkshire, joiner, July 31 at 10, County Court of Yorkshire, at Huddersfield.—*W. Garside*, Linthwaite, Almondbury, Yorkshire, beer-seller, July 31 at 10, County Court of Yorkshire, at Huddersfield.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

July 28 at 10, before the CHIEF COMMISSIONER.

*Thomas Langford*, Old-road, Limehouse, Middlesex, linen-draper.—*W. Hannabus*, Crawford-street, Bryanstone-square, Marylebone, Middlesex, poulterer.

The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

July 28 at 10, before Mr. Commissioner MURPHY.

*Lewis Roughton*, Downham-road, Kingsland-road, Middlesex, dealer in chemicals.

July 29 at 11, before Mr. Commissioner PHILLIPS.

*J. G. Lavy*, Artillery-place West, Bunhill-row, Old-street, St. Luke's, Middlesex, merchant.—*James E. Sheppard*, Charlotte-place, Buxton-street, Spitalfields, Middlesex, out of business.—*Peter Ryband*, Brompton-row, Brompton, Middlesex, general merchant.—*H. Corsien*, Hungerford-market, Strand, Middlesex, florist.—*G. R. Layburn*, Alpha-road, Regent's-park, Middlesex, out of business.

July 31 at 11, before the CHIEF COMMISSIONER.

*Elizabeth Scorra*, widow, Nelson-terrace, City-road, Middlesex, out of business.—*Wm. P. Donovan*, Queen's-terrace, Marlborough-road, Chelsea, Middlesex, fishmonger.

July 31 at 11, before Mr. Commissioner PHILLIPS.

*Isabella Sharpe*, Richmond, Surrey, milliner's assistant.—*Wm. J. Lindner*, Maidenhead-court, Aldersgate-street, and Queen's-row, Pentonville, Middlesex, lithographic printer.—*P. Wighton*, Coventry-street, Haymarket, Middlesex, baker.—*John Swaine*, Battersea, Surrey, licensed victualler.

July 31 at 10, before Mr. Commissioner MURPHY.

*Charles W. Davies*, Southwark-bridge-road, Surrey, out of business.—*Ebenezer E. Coleman*, Prince's-road, Notting-hill, Middlesex, plumber.

## Adjourned Hearing.

July 28 at 10, before Mr. Commissioner MURPHY.

*Charles William Simpson*, High-street, Peckham, Surrey, assistant to a news-vender.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Gloucestershire, at BRISTOL,

July 27 at half-past 10.

*Wm. E. Pincott*, Bristol, cabinet maker.

At the County Court of Hampshire, at WINCHESTER,

July 31.

*Wm. Harvey*, Rochester, Kent, lath render.

At the County Court of Yorkshire, at SHEFFIELD, Aug. 2 at 12.

*John Dunkley*, Sheffield, cabinet maker.

At the County Court of Gloucestershire, at BRISTOL, Aug. 3 at half-past 10.

*Henry Wedlake*, Bristol, tailor.

*At the County Court of Gloucestershire, at GLOUCESTER, Aug. 22 at 10.*

*Thomas Griffiths, Gloucester, shopkeeper's assistant.*

#### INSOLVENT DEBTORS' DIVIDENDS.

*James Stacey, Clare-court, Drury-lane, Middlesex, out of employ: 8½d. in the pound.—George Salmon, Palace-yard, Westminster, Middlesex, cab driver: 9d. in the pound.—E. T. Lyon, Romford, Essex, schoolmaster: 6½d. in the pound.—George Wm. Turner, Exeter, attorney-at-law: 1s. 5d. in the pound.—George Grand, Edmonton, Middlesex, in no trade: 3s. 6d. in the pound.—Wm. S. Alderton, Chancery-lane, London, steel pen manufacturer: 9½d. in the pound.*

*Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn, London, between the hours of 11 and 3.*

### TUESDAY, JULY 18.

#### BANKRUPTS.

**GEORGE CHAFFER**, Commercial-road, Pimlico, Middlesex, builder and carpenter, July 31 and Aug. 31 at 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Hick, 11, Gray's-inn-square.—Petition filed July 17.

**HENRY COTTMAN**, Sandgate, Kent, grocer and cheesemonger, July 28 at 2, and Aug. 31 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Dods, 102, St. Martin's-lane, Charing-cross.—Petition filed July 7.

**JAMES RUSSELL**, Chichester, Sussex, cabinet maker, July 29 at 1, and Aug. 31 at half-past 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Titchener, Chichester; Messrs. Palmer, 24, Bedford-row, Holborn.—Petition dated July 17.

**WILLIAM ASTINS**, Joiners' Hall-buildings, Upper Thames-street, London, and Upper Fountain-place, City-road, Middlesex, machine printer, engraver, and lithographer, dealer and chapman, July 29 at 11, and Aug. 31 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. J. & J. H. Linklater, Sise-lane, Bucklersbury.—Petition filed July 18.

**AUGUSTE SILVESTRE**, Argyle-street, Regent-street, Middlesex, importer of and dealer in fancy goods, (trading under the name of A. Silvestre & Co.), July 28 at 12, and Sept. 5 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Braham, 12, Farnival's-inn, Holborn, London.—Petition filed July 14.

**THOMAS PADLEY SANT**, Stephenson's-terrace, Caledonian-road, Islington, Middlesex, baker, trader, dealer and chapman, July 28 at 12, and Sept. 5 at 1, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Willoughby & Cox, 13, Clifford's-inn, London.—Petition filed July 7.

**DAVID COOPER**, Birmingham, pearl button manufacturer and publican, July 29 at 12, and Aug. 24 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Motteram & Knight, Birmingham.—Petition dated July 8.

**GEORGE FREDERICK BLOXAM**, Lukesland-grove, near Ivy Bridge, Devonshire, horse dealer, cattle and sheep salesman, dealer and chapman, July 26 and Aug. 24 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Stogdon, Exeter.—Petition filed July 14.

**WILLIAM PILLING**, Manchester, publican, July 28 and Aug. 18 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sol. Potter, Manchester.—Petition filed July 7.

**WILLIAM WHALLEY**, Stockport, Cheshire, cotton spinner, dealer and chapman, July 31 and Aug. 21 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Atkinson & Co., Manchester.—Petition filed July 8.

**SAMUEL HODSON**, Manchester, innkeeper, Aug. 2 and 23 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Higson & Robinson, Manchester.—Petition filed July 6.

#### MEETINGS.

*Francis Quick, Bristol, jeweller, July 28 at half-past 1, Court of Bankruptcy, London, last ex.—Charles Fitton, Newton Heath, near Manchester, joiner, July 28 at 1, District Court of Bankruptcy, Manchester, last ex.—Wm. W. Rawling, Samuel Rawling, and John Rawling, Manchester, curriers, Aug. 4 at 12, District Court of Bankruptcy, Manchester, last ex. of John Rawling.—Samuel Barnes, Werneth Ironworks, Oldham, Lancashire, machine maker, Aug. 7 at 12, District Court of Bankruptcy, Manchester, last ex.—John L.*

*Gadd, Whitechapel-road, Middlesex, draper, July 28 at 11, Court of Bankruptcy, London, aud. ac.; Aug. 8 at 12, div.—Henry Boxall, Guildford, Surrey, carpenter, Aug. 7 at 12, Court of Bankruptcy, London, aud. ac.—N. J. Cottingham, Argyle-place, Regent-street, Middlesex, surveyor, Aug. 7 at 1, Court of Bankruptcy, London, aud. ac.—T. M. Carter, Bristol, builder, Aug. 3 at 11, District Court of Bankruptcy, Bristol, aud. ac.—F. Robinson, Manchester, publican, Aug. 4 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Aug. 9 at 12, div.—Thomas Clements, St. Helen's, Lancashire, grocer, July 28 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—Wm. Edwards Brooking, St. Stephens by Saltash, Cornwall, coal merchant, Aug. 14 at 11, District Court of Bankruptcy, Plymouth, aud. ac.—Wm. Trebilcock, Plymouth, Devonshire, shoemaker, Aug. 14 at 11, District Court of Bankruptcy, Plymouth, aud. ac. and div.—David Couzens, East Stonehouse, Devonshire, cab proprietor, Aug. 14 at 11, District Court of Bankruptcy, Plymouth, aud. ac. and div.—Robert Ambrose, Plymouth, Devonshire, builder, Aug. 14 at 11, District Court of Bankruptcy, Plymouth, aud. ac.—Josias Steer, Plymouth, Devonshire, builder, Aug. 14 at 11, District Court of Bankruptcy, Plymouth, aud. ac. and div.—Charles Ogalbe, Plymouth, Devonshire, builder, Aug. 14 at 11, District Court of Bankruptcy, Plymouth, aud. ac. and div.—Thomas Hind, Sheffield, Yorkshire, joiner, July 29 at 10, District Court of Bankruptcy, Sheffield, aud. ac.—C. Bramer, Sheffield, Yorkshire, wood dealer, July 29 at 10, District Court of Bankruptcy, Sheffield, aud. ac.—J. Coker, Saltash, Cornwall, merchant, Aug. 14 at 11, District Court of Bankruptcy, Plymouth, div.*

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*George Newman, Stratford-place, Camden-town, Middlesex, builder, Aug. 10 at 1, Court of Bankruptcy, London.—Wm. Long, Lamb's Conduit-st., Middlesex, baker, Aug. 10 at half-past 12, Court of Bankruptcy, London.—John Jacob Hill, High Holborn, Middlesex, ironmonger, Aug. 9 at 12, Court of Bankruptcy, London.—Robert Alexander Kirkaldy, Fenchurch-st., London, stationer, Aug. 9 at 12, Court of Bankruptcy, London.—John Robinson, Hexham, Northumberland, currier, Aug. 8 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—James Macintyre, Taunton, Somersetshire, nurseryman, Aug. 10 at 1, District Court of Bankruptcy, Exeter.*

*To be granted, unless an Appeal be duly entered.*

*William George Trangmar and John Trangmar, Brighton and Shoreham, Sussex, grocers.—George Nathaniel Gane, Chisleley, Sussex, surgeon.—Mary Parkes, Golden-square, Middlesex, printer.—Edward Ground, Leverington Parson-drove, Cambridgeshire, grocer.—Charles Cowdery, Coventry-st., Haymarket, Westminster, and Hanworth-road, Hounslow, Isleworth, Middlesex, coffee-house keeper.—Scholes Brierly and George Brierly, Oldham, Lancashire, cotton spinners.—Noah Lee, Bingley, Yorkshire, innkeeper.—James Townsend Wigney, Huddersfield and Wakefield, Yorkshire, wine merchant.—Harry Winton, Harry John Langridge Winton, and Edwin Wm. Winton, Birmingham, agricultural implement makers.—James Watts, Birmingham, tobaccoconist.—Charles Barnett Gibbs, Eccleshall, Staffordshire, grocer.*

#### PARTNERSHIPS DISSOLVED.

*John Simcox, Thomas Simcox, and Edwin Walford Simcox, Birmingham, attorneys and solicitors, (under the firm of J., T., & E. W. Simcox).—Jos. Cooper Stratford and Henry Plumble, Cheltenham, Gloucestershire, attorneys and solicitors, (under the style or firm of Stratford & Plumble).*

#### SCOTCH SEQUESTRATIONS.

*Alexander J. Warden & Son, Dundee, manufacturers.—J. Thomson, Glasgow, grocer.—S. Brown, A. Brown, and Jas. Nelson Findlay, Glasgow, manufacturers.—Milne, Cruden, & Co., Aberdeen, manufacturers.*

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*George Colridge, Sheffield, Yorkshire, carriers' horse keeper, Aug. 2 at 12, County Court of Yorkshire, at Sheffield.—John White, Sheffield, Yorkshire, printer, Aug. 2 at 12, County Court of Yorkshire, at Sheffield.—Wm. Ainge, Leicester, labourer, Aug. 16 at 10, County Court of Leicester.*

shire, at Leicester.—*Wm. Tabberer*, Edingale, Staffordshire, farmer, Aug. 8 at 11, County Court of Warwickshire, at Tamworth.—*Ambrase Pocock*, Bath, Somersetshire, cattle dealer, Aug. 5 at 11, County Court of Somersetshire, at Bath.—*Daniel Lake*, Twerton, Somersetshire, gas engineer, July 22 at 11, County Court of Somersetshire, at Bath.—*John Lytle*, Newton Heath, Manchester, beer retailer, Aug. 7 at 12, County Court of Lancashire, at Rochdale.—*Wm. Wilkinson*, Hulme, Manchester, commercial traveller, Aug. 7 at 12, County Court of Lancashire, at Manchester.—*Jas. Roberts*, Openshaw, near Manchester, bookkeeper, Aug. 7 at 12, County Court of Lancashire, at Manchester.

*Saturday, July 15.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Wm. Booms*, Liscard, Cheshire, painter, No. 68,442 C.; *Joseph Leicester*, assignee.—*Wm. Wadhams*, Sutton Coldfield, Warwickshire, farmer, No. 77,722 C.; *Daniel Leonard*, assignee.

*Saturday, July 15.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*George J. Lawrence*, Penton-street, Pentonville, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*Moreton R. Phillips*, Kensington-square, Kensington, Middlesex, barrister-at-law: in the Debtors Prison for London and Middlesex.—*Henry Kelk Broughton*, Great Titchfield-street, Marylebone, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*John Nisbet Mack*, High Holborn, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*George Deeks*, Balmer-road, De Beauvoir-town, Middlesex, window-blind maker: in the Debtors Prison for London and Middlesex.—*Charles Groom*, Castle-terrace, Brixton-road, Surrey, barrister-at-law: in the Queen's Prison.—*Edward Callow*, Lewisham, Kent, manufacturer of blasting powder: in the Debtors Prison for London and Middlesex.—*Thomas Pedrick*, St. George's-terrace, Kilburn, Middlesex, fly driver: in the Debtors Prison for London and Middlesex.—*Arthur Blyth*, Hayes, Middlesex, lodging-house keeper: in the Debtors Prison for London and Middlesex.—*Henry Perry*, Queen's Head-lane, Islington, Middlesex, ale conner to the Corporation of the City of London: in the Debtors Prison for London and Middlesex.—*George James Clifton*, Waverley-place, Grove-end-road, St. John's-wood, Middlesex, wine merchant: in the Queen's Prison.—*Richard Fowler*, Melina-place, Westminster-road, Surrey, coach-maker: in the Queen's Prison.—*Henry Prince*, Brixton-rise, Surrey, gentleman's coachman: in the Gaol of Surrey.—*John Wilson*, High-street, Croydon, Surrey, accountant: in the Gaol of Surrey.—*Henry Smith*, Bavington-cottages, Brixton, Surrey, not in any business: in the Queen's Prison.—*Charles Turney*, Strand-lane, Strand, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Joseph Clayworth*, Gracechurch-street, London, poulterer: in the Debtors Prison for London and Middlesex.—*Wm. Parker*, Eastcheap, London, auctioneer: in the Debtors Prison for London and Middlesex.—*Wm. H. Smith*, Basinghall-street, London, linen dresser: in the Debtors Prison for London and Middlesex.—*John Swaisland* the younger, Swan-lane, Rotherhithe, Surrey, filterer of Thames water: in the Gaol of Surrey.—*Wm. Ruddock*, Leeds, Yorkshire, tailor: in the Gaol of York.—*Edward Tomlin Curchin*, Market Weighton, Yorkshire, plumber: in the Gaol of York.—*John Taylor*, Whitley Lower, near Dewsbury, Yorkshire, out of business: in the Gaol of York.—*Wm. B. Williams*, Birmingham, out of business: in the Gaol of Coventry.—*Richard Mottershaw*, Birmingham, bricklayer: in the Gaol of Coventry.—*Aaron Hall*, Birmingham, spade tree maker: in the Gaol of Coventry.—*Thomas Parkinson*, Marsden, near Burnley, Lancashire, manufacturing chemist: in the Gaol of Lancaster.—*John D. Varley*, Stretford, Lancashire, estate agent: in the Gaol of Manchester.—*Anthony Southern*, Old Elvet, Durham, joiner: in the Gaol of Durham.—*Robert Wright*, Bishopwearmouth, Durham, out of business: in the Gaol of Durham.—*Wm. Buffam*, Mablethorpe, Lincolnshire, out of business: in the Gaol of Lincoln.—*Wm. Batty*, Kingston-upon-Hull, out of business: in the Gaol of Kingston-upon-

Hull.—*James Bishop*, Southampton, cordwainer: in the Gaol of Southampton.—*Daniel Small*, Liverpool, traveller: in the Gaol of Lancaster.—*J. Astley*, Dunkirk, Pendleton, Salford, Lancashire, out of business: in the Gaol of Lancaster.—*Thomas Ludlow*, Birmingham, out of business: in the Gaol of Coventry.—*Charles Ross*, Birmingham, patten ring maker: in the Gaol of Coventry.—*Nicholas White*, Birmingham, auctioneer: in the Gaol of Coventry.—*Wm. Pearce*, Dover, Kent, barrister-at-law: in the Gaol of Dover.—*Charles Farrington*, Huddersfield, Yorkshire, cloth dresser: in the Gaol of York.—*John Millard*, Cambridge, out of business: in the Gaol of Cambridge.—*Joseph Bonehill*, Hulme, Manchester, out of business: in the Gaol of Lancaster.—*John Dale*, Macclesfield, Cheshire, out of business: in the Gaol of Chester.—*Elias Heapy*, Stockport, Cheshire, out of business: in the Gaol of Chester.—*James Cracknell Fisher*, Norwich, Norfolk, out of business: in the Gaol of Norwich.—*Joseph Henry Knight*, Eastbourne, Sussex, foreman to a nurseryman: in the Gaol of Lewes.—*Edward Ralph Paxton*, Salford, Lancashire, out of business: in the Gaol of Lancaster.—*George Purdy*, Liverpool, out of business: in the Gaol of Lancaster.—*John Jackson*, Salford, Lancashire, joiner: in the Gaol of Lancaster.—*Joseph Redish*, Liverpool, general agent: in the Gaol of Lancaster.—*Christopher Newsome*, Rochdale, Lancashire, cabinet maker: in the Gaol of Lancaster.—*John Farr*, Manchester, joiner: in the Gaol of Lancaster.—*Richard Bradley*, Blackburn, Lancashire, provision dealer: in the Gaol of Lancaster.—*Edw. Whiteley*, Ashton-under-Lyne, Lancashire, provision dealer: in the Gaol of Lancaster.—*W. Jones*, Scholes, Wigan, Lancashire, druggist: in the Gaol of Lancaster.—*W. Whitehead*, Butterworth, near Rochdale, Lancashire, out of business: in the Gaol of Lancaster.—*W. Triggs*, Chichester, Sussex, whitesmith: in the Gaol of Lewes.—*D. Meredith*, Bridgend, Glamorganshire, beer retailer: in the Gaol of Cardiff.—*W. Tomkins*, Northampton, boot closer: in the Gaol of Northampton.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Aug. 1 at 10, before the CHIEF COMMISSIONER.*

*Robt. Pealey*, River-street, King's-cross, Middlesex, blacksmith.—*Henry Mowbray Arliss*, Great Queen-street, Lincoln's-inn-fields, Middlesex, printer.—*John William Addy*, Bishopsgate-street, London, in no business.—*William Baker*, Sun-street, Bishopsgate, London, shoe dealer.

*Aug. 1 at 11, before Mr. Commissioner PHILLIPS.*

*Morgan Hughes*, Carey-street, Lincoln's-inn, Middlesex, in no trade.—*Stefanos Xenos*, Duke-st., St. James's-square, Middlesex, and London-street, Fenchurch-street, London, merchant.—*Alphonso F. Notley*, Clarence-road, Kentish-town, Middlesex, out of business.—*John Hughes*, Clayton-terrace, White Hart-st., Kennington, Surrey, out of business.—*Moreton R. Phillips*, Kensington-square, Kensington, Middlesex, barrister-at-law.—*George Harvey*, Brownlow-street, Drury-lane, Middlesex, silver burnisher.—*Charles Bradford Baird*, Clifton-street, Finsbury, Middlesex, out of business.

*Aug. 1 at 10, before Mr. Commissioner MURPHY.*

*George Herman Tynche*, John-street, New Cross-street, Church-road, Commercial-road East, Middlesex, master mariner.—*John Eldershaw Brunt*, Poland-street, Oxford-street, Middlesex, picture dealer.—*Wm. Spencer*, Hanover-street, Piccadilly, Middlesex, superannuated clerk in the Admiralty, Somerset House, London.—*Charles Groom*, Castle-terrace, Brixton-road, Surrey, barrister-at-law.—*Arthur Blyth*, Magdalen Hall, Hays, Middlesex, lodging-house keeper.—*Julius Slager*, Watling-street, London, tailor.

*Adjourned Hearings.*

*Aug. 1 at 11, before Mr. Commissioner PHILLIPS.*

*George Tedder*, Gerrard-street, Islington, Middlesex, professor of music.

*Aug. 1 at 10, before Mr. Commissioner MURPHY.*

*Henry Baker*, Adam and Eve-court, Oxford-st., Middlesex, out of business.

*MEETING.*

*Halcomb W. Hatfield*, Battersea-square, Battersea, Surrey, out of business, July 21 at 12, at Marter's, 5, Farnival's-inn, London, sp. aff.

*INSOLVENT DEBTOR'S DIVIDEND.*

*Chas. Stedman*, Helhoughton, Fakenham, Norfolk, farmer, at Bircham's, Fakenham: 2s. 1½d. in the pound.

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# The Jurist

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JULY 29, 1854.

PRICE 1s.

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LONDON, JULY 29, 1854.

THE case of *Heath v. Chapman*, very recently, and if we may add without presumption, very rightly, decided, draws attention to a singularly anomalous state of the law. What was decided in that case, following *West v. Shuttleworth*, (2 My. & K. 684), was this—that a gift for saying masses for the souls of the dead, whether of the donor or of others, is still a gift to superstitious uses, and void, notwithstanding the 2 & 3 Will. 4, c. 114. But the singularity is this. The statute of Will. 4 enacts, that Roman Catholics, "in respect of their schools, places for religious worship, education, and charitable purposes in Great Britain, and the property held therewith, and the persons employed in or about the same, shall, in respect thereof, be subject to the same laws as the Protestant Dissenters are subject to in England in respect to their schools and places for religious worship, education, and charitable purposes, and not further or otherwise."

Now this, strictly construed, as it has been, and no doubt ought to be, confines the additional immunity of

Roman Catholics to their right in respect of their schools, &c. Any right which a Protestant Dissenter has in reference to founding, endowing, maintaining &c. a school or place of worship, &c., in reference to his personal conduct therein, or the employment of persons there, a Roman Catholic has in reference to his schools, &c. But there the immunity stops, and the act does not enable a Roman Catholic to devote money, either in or out of the schools or places of worship, to purposes not lawful before the act, and not rendered lawful by any other act. The result is this—that though a Roman Catholic may devote money to the sustentation of a Roman Catholic chapel, in which, of necessity, mass will be said, and in which, of necessity, therefore, not only the souls of the dead generally, but the souls of particular dead, will be prayed for by masses, yet he cannot directly give or bequeath money for the purpose of having masses said for the souls of the dead. What was the law before the statute, and what it is since, is well and shortly stated in a work recently published on the Charitable Trusts Act\*. The author says—

"We may next briefly notice what constitutes, or in most cases it might be more correctly said, constituted, a superstitious use. It has been defined generally to be 'one which has for its object the propagation or the rites of a religion not tolerated by the law.' (Boyle, 242). The statutes relative to superstitious uses are, 23 Hen. 8, c. 10; 1 Edw. 6, c. 14; and 1 Geo. 1, c. 50;

\* "The Charitable Trusts Act, 1853. The Orders, Regulations, and Instructions issued pursuant thereto, and a Selection of Schemes, with Notes, preceded by a Summary of the Law of Charities. By Owen Davies Tudor, Esq., of the Temple, Barrister-at-Law."



under which it has been decided, that bequests for establishing a Jesuita, or assembly for instructing the people in the Jewish religion, (*Da Costa v. De Pas*, Amb. 228); for the maintenance of Roman Catholic monasteries or other establishments at home or abroad, (*De Garcian v. Lawson*, 4 Ves. 433, note); for the purpose of maintaining Roman Catholic priests, (*Gates v. Jones*, cited 2 Vern. 266); to be applied to such purposes as a superior of a nunnery or her successor should judge most expedient, (*Smart v. Prujean*, 6 Ves. 560), are void. So, a bequest for masses, for prayers for a person's soul, (*West v. Shuttleworth*, 2 My. & K. 684; *The Attorney-General v. The Fishmongers' Company*, 2 Beav. 161; 5 My. & C. 11), for disseminating Roman Catholic doctrines, either for the education of the children of the poor, (*Crofts v. Eoatts*, Mod. 784; *The Attorney-General v. Power*, 1 Ball & B. 145; *Cary v. Abbot*, 7 Ves. 490), or for the purpose of maintaining a Roman Catholic priest, (*The Attorney-General v. Todd*, 1 Kee. 803; and see *De Themmines v. De Bonnevall*, 5 Russ. 288), has been held void. However, by stat. 2 & 3 Will. 4, c. 115, which is retrospective, (*Bradshaw v. Tasker*, 2 My. & K. 221), except as to suits previously commenced, (*The Attorney-General v. Todd*, 1 Kee. 803), persons professing the Roman Catholic religion are put upon the same footing, with respect to their schools, places for religious worship, education, and charitable purposes, as Protestant Dissenters, subject, however, to the provisions of the Mortmain Act, 9 Geo. 2, c. 36. This statute, coming after the 10 Geo. 4, c. 7, which relieved the personal disabilities of Roman Catholics, has very materially altered the law upon this subject. Accordingly, it has been decided, that a legacy to be applied to the use of a Roman Catholic college, (*Walsh v. Gladstone*, 1 Ph. 290), and of Roman Catholic priests, (*The Attorney-General v. Gladstone*, 13 Sim. 7; 1 Ph. 290), is valid. And it has been held, that a bequest enabling people of the Jewish religion to observe its rites is good. (*Strass v. Goldmid*, 8 Sim. 614)."

From the cases cited, and from *Heath v. Chapman*, it will be seen that the law does not permit a Catholic to supply prayers for the dead directly; but it permits him to devote his money to do those things and to maintain those establishments, which being done and established, prayers for the dead follow as of course. Now this, we venture to submit, is a very absurd state of the law. If the ground of the law against superstitious uses were the protection of the Catholic layman against the seductions of his priesthood—if the object were to prevent his being charmed out of his property when in a state of bodily and mental prostration, to the disinheritance of his family, one could understand a law which should throw that protection round him generally, and prevent him as much from endowing a chapel, or the priest of a chapel, as from devoting his property in any other way to the church. But that cannot be the ground of the law—we mean, that cannot be stated as at this day the general reason of the law, because the law does allow a Roman Catholic in numerous instances to be open to the persuasions of his clergy to benefit the church at the expense of his family. Then, if we assume the principle to be the hostility of the law of England to the encouragement of

practices which the Church of England holds to be unscriptural, that principle should be either carried out consistently, or abandoned altogether. It is almost ridiculous to say that a law can be grounded on any such principle, which forbids the devoting of a man's substance to the direct maintenance of a custom deemed superstitious, and yet permits the devotion of it to the maintenance of means necessarily and intentionally applicable to keeping up that very superstitious custom.

#### CUSTODY OF TITLE-DEEDS — PURCHASER OF THE LARGEST LOT\*.

WE wish to draw the attention of our readers to the case of *Griffiths v. Hatchard*, (reported in the present number, p. 649, Vice-Chancellor Sir W. P. Wood's Court). That was a special case, brought to take the opinion of the Court as to which of two purchasers of two lots at an auction—the one the largest in value, the other the largest in extent—was entitled to the possession of the title-deeds of the lands, the two lots being held under one title, and sold under the inaccurate though not unusual condition of sale, that "the purchaser of the largest lot" should be entitled to the custody of the common title-deeds, and covenant for their production to other purchasers. The above-named very learned and careful judge held, that this condition meant, "the purchaser of the lot the greatest in extent" was to have the deeds.

Now, it is submitted that the above decision is not so well considered as the opinions of this most excellent judge usually are. The word "largest" ought certainly, in the absence of any qualifying expression, to be construed, not according to the first vulgar sense of the word, viz. "biggest," but according to what, on a view of all the circumstances in which the parties were standing, and of all the circumstances which they wished to provide against, was most probably their intention, regard being also had, but not too rigorously, to the grammatical construction of this ill-drawn condition. Now, if the expression had been that the "largest purchaser" should have the deeds, there would or might be a choice between four claimants, each of whom might truly allege himself to be the "largest purchaser," viz. the purchaser of the biggest lot, the purchaser of the most valuable lot, the purchaser of the largest number of lots, and the purchaser of lots containing in the aggregate the greatest quantity—not to mention a fifth candidate, who, however, according to the literal downright principle enforced in this judgment, would carry off the prize, viz. the purchaser who was the biggest man—whether to be ascertained by a reference to height or weight, might introduce, perhaps, a further ambiguity. In the present case, however, the expression being, "the purchaser of the largest lot," the number of claimants is reduced to two only, viz. the purchaser of the lot largest in extent, and of that largest in value; and the first thing that strikes us, when we consider what the parties might have meant by this expression, is, that they were providing for a future unknown event. It was not then known which lot was the largest within their meaning, but the exact quantity in each lot was known and stated on the face of the particulars. The vendors must have known that lot 51, "containing ninety-five acres," was larger than lot 1, containing but "ten acres;" but they could not know beforehand that ninety-five acres, "presenting several building sites," might not fetch a higher price than one house and ornamental grounds. If the vendors had intended that the purchaser of the

\* From a correspondent.



largest lot in size should have the deeds, they would have probably made the condition, that the purchaser of lot 51 should have them. That would probably, besides, have heightened competition.

The next consideration is as to the convenience of the decision. In the actual case before the Court, the application of the rule adopted was easy enough; but as a precedent (we believe it is the first decision on the point) it is extremely important, and when tested, by supposing the case of two or more plots of equal size, upon which are built houses of different styles, rates, or capacities, appears less commodious than the application of the measure of value.

It is to be observed that the present decision was on a special case, and that it was not argued between two parties, each claiming the title-deeds, but between one party claiming (and successfully) and the vendors, who occupied the position of mere trustees; and the views here submitted were not suggested to the learned Vice-Chancellor, nor did he allude to them, either as having no importance, or as being overborne by other considerations of more weight.

### COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.

The Lord Chancellor, under the powers of the 16 & 17 Vict. c. 78, intituled "An Act relating to the Appointment of Persons to administer Oaths in Chancery, and to Affidavits made for Purposes connected with Registration," has appointed the following gentlemen to be Commissioners for administering Oaths in Chancery:—

#### *To be London Commissioners.*

Philip Goode, Howland-street, Fitzroy-square, and Lampton House, near Hounslow.  
Alfred Richard Cocker, 23, Gower-street, Bedford-square.  
Thomas Watts, 7, Old Jewry, City.  
Jonathan Howard, 141, Fenchurch-street, City.  
William Leman, 51, Lincoln's-inn-fields.  
James Pilgrim, Church-court, Lothbury, City.  
James Harvie Linklater, 17, Sise-lane, City.

#### *To be Commissioners in England.*

William Willmott Mawson, Manchester.  
Robert Ovington Harrison, Sunderland, Durham.  
Thomas Marshall, Sheffield.  
Richard Lyddon, Folkestone, Kent.  
Thomas Henry Field, Gosport, Hampshire.  
Richard Reeves Wilkinson, Gosport, Hampshire.  
Nicholas Pearce, Wivelscombe, Somersetshire.  
Adolphus Frederick Millns, New Windsor, Berkshire.  
Samuel Houston Pattison, Great Coggleshall, Essex.  
John Edward Dalton, Leicester.

The Queen has been pleased to appoint Henry Connor, Esq., to be Chief Justice of the Supreme Court of her Majesty's Forts and Settlements on the Gold Coast, and Assessor or Assistant to the native Sovereigns and Chiefs within the countries adjacent to the said Forts and Settlements.

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed Arthur Dalrymple, of Norwich, Gent., to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the city of Norwich and county of the same city, also in and for the county of Norfolk.

### London Gazettes.

FRIDAY, JULY 21.

#### BANKRUPTS.

CHARLES FOOT, Ingram-court, Fenchurch-street, London, wine merchant, (carrying on business with John Wilson, under the name and firm of Foot & Wilson), Aug. 2 at half-past 2, and Sept. 4 at 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Stevenson & Ley, 1, Victoria-street, Holborn-bridge, London.—Petition filed July 15.

CHARLES TINDAL GRIFFIS, Woodford-bridge, Essex, and Lloyd's Coffee-house, London, underwriter, Aug. 1 at half-past 2, and Sept. 5 at 2, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Shield & Harwood, 10, Clement's-lane, Lombard-street, London.—Petition filed July 17.

WILLIAM WATSON, Weeden Beck, Northamptonshire, licensed victualler, Aug. 1 at 1, and Sept. 5 at 2, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Moss, 86, Queen-street, Cheap-side, London.—Petition filed July 19.

STEPHEN COOPER, Lyndhurst-villas, Lyndhurst-road, Peckham, Surrey, carpenter and builder, dealer and chapman, Aug. 3 at 1, and Sept. 5 at half-past 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Jones, 9, Quality-court, Chancery-lane, London.—Petition filed July 19.

FREDERICK THOMAS PESCONT, Macclesfield-street South, City-road, and Albion-place, Kingland, Middlesex, fancy box manufacturer, dealer and chapman, Aug. 2 at 2, and Sept. 5 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Ashurst & Co., 6, Old Jewry, London.—Petition filed July 18.

JOHN HARRINGTON, Crays Hill, Ramaden Crays, Essex, baker, July 28 at half-past 12, and Aug. 31 at 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Woodward, Billericay, Essex; Patten, 41, Ely-place, Holborn.—Petition filed July 18.

THOMAS ALLISON READWIN, Winchester-buildings, Great Winchester-street, London, dealer in shares, dealer and chapman, Aug. 5 at 11, and Aug. 31 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Lawrance & Co., 14, Old Jewry-chambers, Old Jewry.—Petition filed July 20.

HENRY HILL, High-street, Hampstead, Middlesex, builder, dealer and chapman, Aug. 3 at 12, and Aug. 31 at half-past 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Stopher, 52, Cheap-side.—Petition dated July 19.

THOMAS GADD, New Fishbourne, Sussex, farmer, (late of Chichester, grocer, dealer and chapman), Aug. 3 at half-past 12, and Aug. 31 at 2, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Raper & Johnson, Chichester; J. & J. H. Linklater, Sise-lane, Bucklersbury.—Petition filed July 21.

CALEB PIZZIE, Noble-st., London, and Haverhill, Suffolk, carpet manufacturer, July 29 at 2, and Sept. 1 at half-past 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Wire & Child, 9, St. Swithin's-lane, London.—Petition filed July 18.

CHRISTIAN FREDERICK KREIMBORG, Langley-place, Commercial-road East, Middlesex, cheesemonger, dealer and chapman, July 28 at 11, and Sept. 1 at 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Lawrance & Co., 14, Old Jewry-chambers, Old Jewry.—Petition filed July 20.

CHARLES ROLLINSON, Brierley-hill, Staffordshire, boot and shoe manufacturer, dealer and chapman, Aug. 3 and 24 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Hayes, Wolverhampton.—Petition dated July 10.

FRANCIS KAY, Sheffield, Yorkshire, cut-nail manufacturer, Aug. 5 at 10, and Sept 6 at 12, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sols. Branson & Son, Sheffield.—Petition filed July 19.

#### MEETINGS.

William Wright, Thetford, Norfolk, butcher, Aug. 2 at 1, Court of Bankruptcy, London, aud. ac.—James Hunt, Lupus-street, Pimlico, Middlesex, builder, Aug. 2 at 12, Court of Bankruptcy, London, aud. ac.—Robert A. Kirkaldy, Fenchurch-street, London, stationer, Aug. 9 at 12, Court of

Bankruptcy, London, and. ac.—*John J. Hill*, High Holborn, Middlesex, ironmonger, Aug. 9 at 12, Court of Bankruptcy, London, and. ac.—*J. Innell*, Weston, Herefordshire, grocer, Aug. 3 at 11, District Court of Bankruptcy, Bristol, and. ac.—*Jeremiah Billingham* and *Jesse Billingham*, chain makers, Aug. 12 at 12, District Court of Bankruptcy, Birmingham, and. ac.; Aug. 18 at 12, div.—*Joseph Boycot*, Kidderminster, Worcestershire, draper, Aug. 12 at 12, District Court of Bankruptcy, Birmingham, and. ac.—*James Watte*, Birmingham, tobacconist, Aug. 12 at 12, District Court of Bankruptcy, Birmingham, and. ac.—*Thomas Burgon*, Walbrook-buildings, London, merchant, Aug. 14 at 12, Court of Bankruptcy, London, div.—*Geo. Nathaniel Grane*, Chailey, Sussex, surgeon, Aug. 11 at 11, Court of Bankruptcy, London, div.—*G. Saunders*, Seymour-street, Euston-square, Middlesex, gas-fitter, Aug. 11 at half-past 11, Court of Bankruptcy, London, div.—*Thos. Hoy Burton*, Winchester, cowkeeper, Aug. 11 at half-past 12, Court of Bankruptcy, London, div.—*Wm. Geo. Trangmar* and *John Trangmar*, Brighton and Shoreham, Sussex, grocers, Aug. 11 at 11, Court of Bankruptcy, London, div. joint est. and sep. est.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*John Nicholas Smith*, Jewry-street, Aldgate, London, provision merchant, Aug. 18 at 2, Court of Bankruptcy, London.—*George Battcock*, Brighton, Sussex, apothecary, Aug. 15 at 12, Court of Bankruptcy, London.—*C. Leighton*, Liverpool, grocer, Aug. 11 at 11, District Court of Bankruptcy, Liverpool.—*Jas. Howard*, Levenshulme, near Manchester, grocer, Aug. 14 at 12, District Court of Bankruptcy, Manchester.

*To be granted, unless an Appeal be duly entered.*

*Wm. Hill*, Lime-street, London, ship agent.—*John Scott*, Welbeck-street, Cavendish-square, Middlesex, upholsterer.—*John Symmons*, Bristol, cut-nail manufacturer.—*John Blake*, Attleburgh, Norfolk, innkeeper.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Thomas Stripling*, St. Stephen's, Launceston, Cornwall, builder, Sept. 6 at 11, County Court of Cornwall, at Launceston.—*Fred. Williams*, North-hill, Cornwall, surgeon, Sept. 6 at 11, County Court of Cornwall, at Launceston.—*Mary M'Iver*, Newcastle-upon-Tyne, shoemaker, Aug. 10 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—*Archibald Hunter Brown*, Newcastle-upon-Tyne, butcher, Aug. 10 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—*John Cowell*, Newcastle-upon-Tyne, blacksmith, Aug. 10 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—*Robert Walton*, Newcastle-upon-Tyne, joiner, Aug. 10 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—*Joseph Robinson*, Newcastle-upon-Tyne, fishmonger, Aug. 10 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—*H. Hornby*, Foulsham, Norfolk, schoolmaster, Aug. 4 at 11, County Court of Norfolk, at Aylesham.—*Eleanor Jane Criswick*, widow, Newland, Sherborne, Dorsetshire, not in any trade, Aug. 15 at half-past 10, County Court of Somersetshire, at Yeovil.—*H. Brown*, Luton, Bedfordshire, carpenter, July 28 at 11, County Court of Bedfordshire, at Luton.—*George Henley*, Kingsdown, Kent, shoemaker, Aug. 14 at 11, County Court of Kent, at Dartford.—*Thomas B. Harris*, Milton-next-Gravesend, Kent, grocer, Aug. 12 at 10, County Court of Kent, at Gravesend.—*Thomas Elliott*, Northfleet, Kent, baker, Aug. 12 at 10, County Court of Kent, at Gravesend.—*Wm. Brown*, Atherstone, Warwickshire, blacksmith, Aug. 9 at 12, County Court of Warwickshire, at Atherstone.—*Joseph Beech*, Walsall, Staffordshire, builder, Aug. 5 at 10, County Court of Staffordshire, at Walsall.—*George Colbride*, (and not *Coltridge*, as advertised in Tuesday's Gazette), Sheffield, Yorkshire, carriers' horse keeper, Aug. 2 at 12, County Court of Yorkshire, at Sheffield.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Devonshire, at EXETER, Aug. 1 at 10.*

*William Walter Brown*, Plymouth, out of business.

*At the County Court of Yorkshire, at KINGSTON-UPON-HULL, Aug. 4.*

*Wm. Batty*, Kingston-upon-Hull, out of business.

*At the County Court of Dorsetshire, at DORSET, Aug. 4 at 12.*

*James Prowse Whicker*, Weymouth and Melcombe Regis, tea dealer.—*John Moss*, Weymouth, shoemaker.—*T. Elliott*, Portland, out of employ.

*At the County Court of Durham, at DURHAM, Aug. 4.*

*Robert Wright*, Bishop Wearmouth, out of business.—*Wm. Wright*, Bishop Auckland, joiner.—*Anthony Southern*, Old Elvet, joiner.

*At the County Court of Lancashire, at MANCHESTER, Aug. 7.*

*John Graves*, Manchester, joiner.

*At the County Court of Kent, at DOVER, Aug. 18 at 11.*

*Wm. Pearce*, Dover, barrister-at-law.

*At the County Court of Nottinghamshire, at NOTTINGHAM, Aug. 29 at 10.*

*Samuel Stout*, Bulwell, limeburner.

### TUESDAY, JULY 25.

#### BANKRUPTS.

**EDWARD JOHN WELLS**, Maidstone, Kent, ironmonger, dealer and chapman, Aug. 3 at 2, and Sept. 12 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Thomson & Son, 9, George-street, Minorities, London.—Petition filed July 22.

**GEORGE JOHNSTON**, Vere-street, Oxford-st., Middlesex, veterinary surgeon and apothecary, Aug. 4 at 2, and Sept. 12 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Howard & Dollman, 141, Fenchurch-st., London.—Petition filed July 24.

**WILLIAM BECKETT**, Gillingham, Norfolk, cattle dealer and salesman, Aug. 4 at 1, and Sept. 12 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Lawrance & Co., 14, Old Jewry-chambers, London.—Petition filed July 22.

**HENRY ADRON**, St. John-street, Clerkenwell, Middlesex, baker, dealer and chapman, Aug. 5 and Sept. 4 at 1, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Ellaby, 72, Queen-street, Cheapside.—Petition filed July 22.

**MELCHOR LOPEZ**, Fenchurch-st., London, and Oxford, cigar and wine merchant, dealer and chapman, Aug. 3 at 11, and Sept. 4 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Chidley, 19, Gresham-street.—Petition filed June 12.

**ISAAC BECK**, Birmingham, licensed victualler, wine and spirit dealer, dealer and chapman, Aug. 11 at 12, and Aug. 31 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. E. & H. Wright, Birmingham.—Petition dated July 22.

**EDWARD CRANE HUNT**, Kidderminster, Worcestershire, ironmonger, dealer and chapman, Aug. 11 at 12, and Aug. 31 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Hodgson, Birmingham; Bonner, Birmingham.—Petition dated July 14.

**THEODORE JEWITT** and **EDMUND MICKLEWOOD**, Plymouth, Devonshire, stationers, booksellers, dealers and chapmen, Aug. 14 and Sept. 11 at 11, District Court of Bankruptcy, Plymouth: Off. Ass. Hirtzel; Sol. Elworthy, Plymouth.—Petition filed June 24.

**JOHN HALSTED** and **HENRY RICHARD HALSTED**, Bradford, Yorkshire, woolstaplers and manufacturers, (trading under the style of John Halsted & Son), Aug. 8 at 12, and Sept. 5 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Scholey & Co., Wakefield; Humble, Bradford; Bond & Barwick, Leeds.—Petition dated July 24.

**CHARLES HENRY HOLGATE**, Kirtton in Lindsey, Lincolnshire, scrivener, dealer and chapman, Aug. 9 and 30 at 12, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Carrick; Sols. Plaskitt, Gainsborough; Scott & Co., 11, Lincoln's-inn-fields, London.—Petition dated July 20.

**JOSEPH CUNDELL**, Sheffield, Yorkshire, carpenter and builder, dealer and chapman, Aug. 5 at 10, and Sept. 16 at 12, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sols. Hoole & Yeomans, Sheffield.—Petition dated and filed July 15.

**WILLIAM WILD FOOTE**, Sheffield, Yorkshire, share broker, dealer and chapman, Aug. 5 at 10, and Sept. 16 at 12, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sol. Marshall, Sheffield.—Petition dated and filed July 17.

**ISAAC THORNILEY**, Bardale, near Ashton-under-Lyne, Lancashire, cotton spinner, dealer and chapman, Aug. 4 and 25 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sols. Sale & Co., Manchester; Buckley, Ashton-under-Lyne.—Petition filed July 13.

**WILLIAM GUEST**, Manchester, commission agent, Aug. 4 and 25 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sol. Lamb, Manchester.—Petition filed July 20.

#### MEETINGS.

*James Hope*, Burnley, Lancashire, grocer, Aug. 11 at 12, District Court of Bankruptcy, Manchester, last ex.—*Wm. Geo. Trangmar* and *John Trangmar*, Brighton and Shoreham, Sussex, grocers, Aug. 4 at 11, Court of Bankruptcy, London, aud. ac.—*Thomas Hoy Burton*, Winchester, cow-keeper, Aug. 4 at 11, Court of Bankruptcy, London, aud. ac.—*G. Nathaniel Grane*, Chisle, Sussex, surgeon and apothecary, Aug. 4 at 11, Court of Bankruptcy, London, aud. ac.—*Richard Gulton Wollaston*, Bishop's Castle, Shropshire, surgeon, Aug. 18 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*John Baker*, Edgeware-road, and Johnson-place, Westbourne-green, Middlesex, draper, Aug. 15 at 12, Court of Bankruptcy, London, div.—*Samuel Bartholomew*, Birmingham, licensed victualler, Aug. 7 at 10, District Court of Bankruptcy, Birmingham, aud. ac.; Aug. 21 at 10, div.—*John Innell*, Ross, Herefordshire, grocer, Aug. 17 at 11, District Court of Bankruptcy, Bristol, fin. div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Richard G. Prentice*, High-st., Shadwell, and Tachbrook-street, Pimlico, Middlesex, grocer, Aug. 16 at 12, Court of Bankruptcy, London.—*Thomas C. W. Pierce*, Manchester, merchant, Aug. 18 at 12, District Court of Bankruptcy, Manchester.—*Richard G. Wollaston*, Bishop's Castle, Shropshire, surgeon, Aug. 17 at 10, District Court of Bankruptcy, Birmingham.—*John Greatwood*, Birmingham, confectioner, Aug. 17 at 10, District Court of Bankruptcy, Birmingham.—*George I. Sharp*, Oswestry, Shropshire, draper, Aug. 17 at 10, District Court of Bankruptcy, Birmingham.—*Thomas Adkins*, Bedworth, Warwickshire, grocer, Aug. 17 at 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*Charles Ferguson*, Hitchin, Hertfordshire, draper.—*George F. Rossier*, London-wall, London, wholesale clothier.—*R. F. Miller*, Hammermith, Middlesex, coach builder.—*Guillaume G. Charles*, Liverpool, importer of French and German goods.—*John R. Gibson*, Waterloo, near Liverpool, innkeeper.

#### PETITION ANNULLED.

*Robert Isherwood* and *Strethill Foden*, Liverpool, cotton dealers.

#### SCOTCH SEQUESTRATIONS.

*Hamilton Laird*, Cupar Fife, nurseryman.—*K. M'Nab*, Millburn-cottage, near Inverness, merchant.—*Israel Guttstam*, Glasgow, cloth manufacturer.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Thomas Dodsworth*, Kingston-upon-Hull, printer, Aug. 4 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*James H. Bernard*, Kingston-upon-Hull, flag maker, Aug. 4 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*Daniel Weatherby*, Congleton, Cheshire, tailor, Aug. 15 at 11, County Court of Cheshire, at Congleton.—*Philip Higgins*, Whittlesea, Cambridgeshire, land surveyor, Aug. 9 at 3, County Court of Norfolk, at King's Lynn.—*James Talbot*,

Cheltenham, Gloucestershire, rope maker, Aug. 15 at 10, County Court of Gloucestershire, at Cheltenham.—*William Stantial*, Cheltenham, Gloucestershire, tailor, Aug. 15 at 10, County Court of Gloucestershire, at Cheltenham.—*George Hatton*, Hastings, Sussex, painter, Aug. 7 at 11, County Court of Sussex, at Hastings.—*John Greenfield*, Brighton, Sussex, retailer of beer, July 29 at 10, County Court of Sussex, at Brighton.—*Edward Cane*, Brighton, Sussex, saddler, July 29 at 10, County Court of Sussex, at Brighton.—*Thomas K. Garbutt*, Brighton, Sussex, painter, July 29 at 10, County Court of Sussex, at Brighton.—*Henry Pierce*, Rhyl, Flintshire, publican, Aug. 12 at 11, County Court of Flintshire, at St. Asaph.—*Walter Lock*, Langport, Somersetshire, tailor, Aug. 12 at 10, County Court of Somersetshire, at Langport.—*Wm. Pritchard*, Hole, near Wolverhampton, Staffordshire, in no business, Aug. 7 at 9, County Court of Staffordshire, at Wolverhampton.

*Saturday, July 22.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*John G. Toon*, Aske-street, Hoxton, Middlesex, cabinet maker, No. 64,402 T.; *William Cowdell* the elder and *George Brown*, assignees.—*John Stokes*, Cakemore, Halesowen, Worcestershire, nailer, No. 78,208 C.; A. Jeavons, assignees.—*Edward Billman*, Manchester, out of business, No. 78,251 C., *John Plant*, assignees.—*John Calvert*, Lancaster, retailer of beer, No. 76,679 C.; *Thomas Roope* and *Robert Clark*, assignees.—*Henry Hick*, Huddersfield, Yorkshire, out of business, No. 77,931 C.; *Wm. F. Dodgson* and *Benjamin Rowley*, assignees.

*Saturday, July 22.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*William Oldridge*, Cloth-fair, West Smithfield, London, account-book manufacturer: in the Debtors Prison for London and Middlesex.—*Richard Hare*, South-square, Gray's-inn, Middlesex, attorney-at-law: in the Queen's Prison.—*J. Harris* the elder, Edward-street, Portman-square, Middlesex, cheesemonger: in the Debtors Prison for London and Middlesex.—*Thomas E. John*, King William-street, London, proprietor of refreshment rooms: in the Debtors Prison for London and Middlesex.—*William Jenkins*, Prospect-place, Old Brompton, Middlesex, secretary to the Cosmos Institute: in the Debtors Prison for London and Middlesex.—*H. Meeson*, Cecil-street, Strand, Middlesex, foreman to a print seller: in the Debtors Prison for London and Middlesex.—*James T. Ratcliffe*, Harrow-street, Lant-street, Southwark, Surrey, wholesale stationer: in the Queen's Prison.—*Robert Barnby*, Wilmington-square, Clerkenwell, Middlesex, mathematical instrument maker: in the Debtors Prison for London and Middlesex.—*Thomas Walker*, North Bruton-mews, Berkeley-square, Middlesex, farrier: in the Debtors Prison for London and Middlesex.—*Richard Brown*, Hatfield-street, Stamford-street, Blackfriars, Surrey, out of business: in the Queen's Prison.—*Edward Liddetter*, Long-acre, Middlesex, not in any employment: in the Queen's Prison.—*John Kempster*, London-wall, London, engraver: in the Debtors Prison for London and Middlesex.—*Lewis Levy*, Portland-place, Circus-road, St. John's-wood, Middlesex, picture dealer: in the Queen's Prison.—*Frederick Weston*, Little Cadogan-place, Sloane-st., Chelsea, Middlesex, horse dealer: in the Debtors Prison for London and Middlesex.—*James W. Slade*, Munster-street, Regent's-park, Middlesex, bricklayer and builder: in the Debtors Prison for London and Middlesex.—*William Hindley*, Manchester, retail dealer in ale: in the Gaol of Lancaster.—*S. Robinson*, Hulme, Manchester, out of business: in the Gaol of Lancaster.—*Robt. N. Whitehead*, Manchester, commercial traveller: in the Gaol of Lancaster.—*J. Dickinson*, Manchester, dealer in ale: in the Gaol of Lancaster.—*John Moss*, Preston, Lancashire, tailor: in the Gaol of Lancaster.—*William Tisher*, Royton, near Oldham, Lancashire, cotton waste dealer: in the Gaol of Lancaster.—*Thomas Robinson*, Bentley Wood-green, near Padiham, Lancashire, block printer: in the Gaol of Lancaster.—*G. Salisbury*, Oxton, Cheshire, banker's clerk: in the Gaol of Lancaster.—*Isaac Housley*, Stalybridge, Lancashire, shuttle tip spring and tong maker: in the Gaol of Lancaster.—*Israel Riley*, Over Darwen, Lan-

cashire, out of business: in the Gaol of Lancaster.—*John Ferrell*, Manchester, baker.—*Joseph Shepherd*, Pudsey, near Leeds, Yorkshire, clothier: in the Gaol of York.—*Edmund Marsland*, Failsworth, near Manchester, out of business: in the Gaol of Lancaster.—*Elph Home* the younger, Heaton, near Manchester, reed manufacturer: in the Gaol of Lancaster.—*Wm. H. Gaskell*, Salford, Lancashire, out of business: in the Gaol of Lancaster.—*Henry Stevens*, Salford, Lancashire, out of business: in the Gaol of Lancaster.—*Thomas Cooke*, Hartlebury, Worcestershire, out of business: in the Gaol of Worcester.—*Thomas Everton*, Droitwich, Worcestershire, labourer: in the Gaol of Worcester.—*E. Bray*, Brede, Sussex, veterinary surgeon: in the Gaol of Lewes.—*M. Taylor*, Cheltenham, Gloucestershire, out of business: in the Gaol of Gloucester.—*J. Glynn*, Tidenham, Gloucestershire, gardener: in the Gaol of Gloucester.—*G. K. Pollock*, Willows, near New Windsor, Berkshire, attorney-at-law: in the Gaol of Reading.—*Wm. Jewell*, Landport, Portsea, Southampton, builder: in the Gaol of Winchester.—*Owen Gormley*, Manchester, innkeeper: in the Gaol of Manchester.—*Patrick Daley*, Manchester, fishmonger: in the Gaol of Manchester.—*E. Roberts*, Hulme, Manchester, joiner: in the Gaol of Manchester.—*G. Miller*, Dover, Kent, manager at a fancy fabric manufacturer's: in the Gaol of Maidstone.—*Thomas Podmore*, Birmingham, writing clerk: in the Gaol of Coventry.—*Peter M'Glade*, Greenwich, Kent, draper: in the Gaol of Maidstone.—*Charles Savage*, Chatham, Kent, draper's assistant: in the Gaol of Maidstone.—*Joseph Cribb*, Greenwich, Kent, out of business: in the Gaol of Maidstone.—*James Craven Hudson*, Burley, near Otley, Yorkshire, out of business: in the Gaol of York.—*Wm. Mathias Bruster*, Swansea, Glamorganshire, Italian warehouseman: in the Gaol of Swansea.—*John Errington Hall*, Newcastle-upon-Tyne, commission agent: in the Gaol of Newcastle-upon-Tyne.—*Robert Smith*, Howdon Pans, Wallsend, Northumberland, shoemaker: in the Gaol of Newcastle-upon-Tyne.—*Alice Rotherham*, Skelmersdale, Lancashire, servant: in the Gaol of Lancaster.—*Charles Lewis*, Chatham, Kent, butcher: in the Gaol of Maidstone.—*John Peel*, Clifton, Westmoreland, labourer: in the Gaol of Appleby.—*Wm. Ramsick*, Bradford, Yorkshire, out of business: in the Gaol of York.—*Mary Ann Ainscow*, widow, Hindley, near Wigan, Lancashire, out of business: in the Gaol of Lancaster.—*Wm. Palmer*, Walcot, Somersetshire, out of business: in the Gaol of Wilton.—*William White*, Bristol, assistant at a glass warehouse: in the Gaol of Wilton.

*The following Prisoner is ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Adjourned Hearing.*

*July 31 at 10, before Mr. Commissioner MURPHY.*

*William Griffiths*, Gloucester-road, Camberwell, Surrey, maltster.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Sussex, at LEWES, Aug. 8.*

*Edwin Bray*, Brede, licensed victualler.—*Joseph Henry Knight*, Eastbourne, foreman to a nurseryman.—*W. Triggs*, Chichester, whitesmith.

*At the County Court of Kent, at MAIDSTONE, Aug. 8 at 12.*

*John Morgan*, York-road, Lambeth, Surrey, sharebroker.—*Charles Lewis*, Chatham, butcher.—*Charles Savage*, Chatham, assistant to a draper.—*Joseph Cribb*, Greenwich, out of business.—*Peter M'Glade*, Greenwich, draper.

*At the County Court of Worcestershire, at WORCESTER, Aug. 9 at 10.*

*Thomas Cooke*, Hartlebury, out of business.—*T. Everton*, Droitwich, labourer.

*At the County Court of Northumberland, at NEWCASTLE-UPON-TYNE, Aug. 10 at 10.*

*John Errington Hall*, Newcastle-upon-Tyne, commission agent.—*Robert Smith*, Wallsend, shoemaker.

*At the County Court of Warwickshire, at COVENTRY, Aug. 29 at 12.*

*Wm. Booth Williams*, Birmingham, out of business.—

*Aaron Hall*, Birmingham, spade-tree maker.—*Richard Mettershaw*, Birmingham, coffin maker.—*Jas. Barbor*, Birmingham, japanner.—*Nicholas White*, Birmingham, picture-frame maker.—*Thomas Millarskip*, Dudley, mine agent.—*Thomas Harrison*, Aston, out of business.—*Chas. Rose*, Birmingham, general dealer.—*Benjamin Lowe*, Shut-end, near Kingswinford, retail brewer.—*Thomas Ludlow*, Birmingham, licensed victualler.—*Thomas Stephens*, Bedworth, ribbon manufacturer.—*Henry Underwood*, Birmingham, out of business.—*Thomas Cows*, Balsall-leath, tailor.

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# The Jurist

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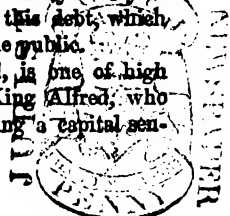
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LONDON, AUGUST 5, 1854.

WE confess to an extreme jealousy of all that pertains to the administration of justice—a feeling which, we believe, is entertained by the great mass of the community. Indeed, how can it be otherwise with those who appreciate the magnitude of the interests committed to our legal tribunals? Life itself; the means of living; all that makes life desirable; a man's reputation—that curious, delicate structure, built upon the opinions of others, requiring many years to raise, and yet, like a house of cards, capable of being laid prostrate by a breath—these are involved in the decisions of Courts of justice. Is it not, then, natural that we should anxiously seek to preserve them from the taint of corruption and undue influence—in other words, from becoming the instruments of the greatest injustice—that we should desire to see their investigations conducted in a calm and fair spirit, and presided over by a dignity and authority that should invite as well as command respect? The danger of these elements being absent is not so imminent in our higher tribunals, both from their character, and the greater amount of public attention directed towards them; but it is strikingly apparent in some of the inferior courts scattered throughout the country, and attracting little notice until the occurrence of some extraordinary circumstance in connexion with them. What more flagrant instance can we cite in support of our observations (and indeed it is the moving cause of them) than the recent proceedings at a coroner's inquest, when the conduct and professional skill of two medical gentlemen were assailed amid applause, groans, hisses, excitement, prejudice, and abuse that would almost have disgraced a parliamentary election? We

know nothing of the skill, or want of skill, on the part of the accused; we do not inquire whether the finding of the jury was justified by the evidence; but we are quite certain that it was impossible to obtain a fair hearing, or a calm, dispassionate inquiry, before such a tribunal. *Æsculapius* himself would not have been safe had he been charged before a coroner's inquest with having caused the death of a child belonging to one of that class who crowded the room, earwigged the jury, goaded on the counsel, terrified the witnesses, and kept alive popular excitement until popular vengeance was satiated. How is it that a court of criminal jurisdiction, where the finding of the jury is equivalent to the presentment of a grand jury, on which a man may at once be put upon his trial for the offence presented, is thus permitted to lower the administration of justice in the eyes of the public, and to inflict irreparable injury upon individuals? We think the causes may be traced to the low character of the tribunal itself, arising from the deterioration of the office of coroner, the absence of any standard of tangible qualification in the jurymen, and the fact of the court being held in all sorts of holes and corners, not even excluding public-houses. All this leads to a want of solemnity, decency, and order, where they ought to be peculiarly conspicuous, as the inquiry relates to the cause of death of a human being. We cannot help here observing, that we consider it especially the duty of counsel to treat legally-constituted authorities with respect, and we are always sorry to see them failing in the payment of this debt, which they owe to their Profession and to the public.

The office of coroner, we are told, is one of high antiquity—certainly as ancient as King *Alfred*, who punished with death a judge for passing a capital sen-





tence upon the coroner's record alone, without allowing the delinquent to traverse. (Bac. on Gov. 66). The coroner was formerly the principal conservator of the peace within his county, and by the Statute of Westminster he was not to be under the degree of knighthood. This provision, though fallen into disuse, has never been repealed. By stat. 28 Edw. 3, c. 6, he is to be a fit and lawful person, and by stat. 14 Edw. 3, st. 1, c. 8, to have an estate in fee in his county, both to maintain the dignity of his office, and to answer any fine that may be set upon him for his misbehaviour. He is elected by the freeholders of the county, but any amount of estate, however small its value, is sufficient for the purpose of conferring this vote.

The court is a public one. Sir Thomas Smith, in his History of the Commonwealth, (p. 96), says, "The impannelling of this inquest (the coroner's) and the view of the body is commonly in the street, in an open place, and in coronâ populi." The coroner, however, has the salutary power of excluding the public from his court, (*Garnett v. Ferrand and Another*, 6 B. & Cr. 611), though it should not be exercised without just cause.

It is remarkable that coroners' juries need not have any property qualification whatever, as inquests held by coroners by virtue of their office (without writ) are expressly excepted from the operation of the Jury Act, 6 Geo. 4, c. 50, s. 52. Neither are they challengeable. (Brit. 6 a). They should, however, be *probi et legales homines*. (2 Hale's P. C. 155).

We are not, however, prepared to state that coroners' juries are inferior to the generality of common juries. If they have on an occasion found "incidental death, and a dividend on the house," yet a common jury last week recommended a man to mercy because he was not seen to take the articles which they had convicted him of stealing. The fact is, that the standard of jurors in general (except special jurors) is too low. The recklessness with which coroners' juries find "temporary insanity" is often owing as much to the coroner as to themselves. In this and in some other respects coroners of the last century were worse than those of the present. In one case we learn that the coroner told the jury, in order "to cover the goods," that a verdict of *felo de se* and of lunacy were in effect the same, and that the finding of *felo de se* was but a matter of course. (*Reg. v. Wakefield*, 1 Str. 69). On another occasion he took some of the jury off the inquest in order that the others might find the deceased non compos mentis. (12 Mod. 493).

"But is this law?"

"Ay, marry is't; Crowner's-quest law."

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#### Review.

*An Exposition of the Land-tax: its Assessment and Collection, and Rights and Advantages conferred by the Redemption Acts.* By MARK A. BOURDIN, of the Inland Revenue Office, Somerset House.

[London: T. F. A. Day, 13, Carey-street, Lincoln's-inn. 1854.]

MR. COOPER, in one of his able papers printed in the First Report of the Statute-law Commissioners, after remarking on some of the cases in which the whole purpose of an act is sacrificed to the ignorance of Parliament or of a draftsman, and in particular on the confusion as to the persons or properties to be rendered liable to a tax, observes, (p. 73), "In other cases the error is reversed, and the property is left to be inferred, and the persons only fixed, and this often with gross inaccuracy. Thus, in the Militia Rate Act, 43 Geo. 3, c. 90, s. 42, the persons described as liable are the 'inhabitants of the parish, &c., according to the rate made for the relief of the poor;' the strict effect of which is to omit both the chief persons and chief property, subjects of the poor-rate, namely, the occupiers of the real property and the titheowners, and to charge only the persons liable to poor-rate in respect of stock-in-trade." We believe that a careful examination of the acts relating to the land-tax would furnish some very instructive examples of this kind.

The scheme of the acts erroneously called Land-tax Acts was evidently taken, though with ultimately a total change of the principle, from the assessments imposed by Parliament on all real and personal property during the civil wars, and continued to the restoration of Charles II. The principle of this tax, which was a *bonâ fide property-tax*, will be seen from one of these enactments for 1656, preserved in Scobell's Collection, part 2, p. 400. The sum required was to be raised by a pound rate on all real and personal property, or "on all lands, tenements, hereditaments, annuities, rents, profits, parks, warrens, goods, chattels, stock, merchandises, offices, or any other real or personal estate whatsoever, according to the value thereof—that is to say, so much upon every 20s. rent or yearly value of land and real estate, and so much upon money, stock, and other personal estate, by an equal rate, wherein every 20l. in money, stock, or other personal estate shall bear the like charge as shall be laid on every 20s. yearly rent or yearly value of land." The sum specified was the monthly sum required by the exigency of the time; and there was manifestly no intention that it should fix the amount of the contribution for all future time.

By stat. 1 Will. & M., sess. 1, c. 20, an *aid* was granted, without specifying any fixed sum, of 12d. in the pound on the yearly value of all real and personal estate. But it is observable that the order here is changed from that of the enactment before cited from Scobell, personal estate being now put in the front of the battle. By the 1st section an aid is granted of 12d. on the yearly value of all personal estate, ("except debts and the stock upon lands, and such goods as are used for household stuff"); and by the 2nd section, upon offices or employments, ("except offices in the army or navy"); and by the 3rd section, all lands, tenements, and hereditaments are charged for one year with the sum of 12d. for every 20s. of the true yearly value. "And all and every person and persons, bodies public and corporate, guilds, mysteries, fraternities, and brotherhoods, whether corporate or not corporate, having or holding in his, her, or their actual possession any manors, messuages, lands, tenements, or other the lands or premises, shall yield and pay unto their Majesties the sum of 12d. for every 20s. by the year which the said manors, messuages, lands, tenements, hereditaments, and other the premises are now worth, to be leased, if the same were

truly and bona fide leased or demised at a rack-rent, and according to the full true yearly value thereof, without any respect had to the present rents reserved for the same, if such rents have been reserved upon such leases or estates made, for which any fine or income hath been paid or secured, and without any respect had to any former rates or taxes thereupon imposed."

The commissioners appointed for putting the act in execution were directed to issue warrants "to two at the least of the most able and sufficient inhabitants of each parish, township, or place within their respective districts, thereby appointing and requiring them to be assessors of all and every the rates and duties by the act imposed." And the said assessors were "to ascertain and inform themselves, by all lawful ways and means they could, of the true and full rate and valuation of the true yearly rents and profits of all manors, messuages, lands, tenements, as also all quarries, mines of coal, tin, or lead, all iron works and salt works, all mines or works, parks, chases, warrens, woods, underwoods, and coppices, fishings, tithes, tolls, and other hereditaments, of what nature or kind soever, situate, lying and being, happening and arising within the limits of those places with which they should be charged; and being so thereof ascertained, they were to assess all and every the said manors, messuages, lands, tenements, and premises, before appointed to be charged, after the rate of 12*d.* for every 20*s.* of the true yearly value, as the same were let for, or were worth to be let for, at the time of the assessing thereof as aforesaid." (Sect. 5).

By the 1 Will. & M., sess. 2, c. 1, an *aid* of 2*s.* in the pound for one year was granted in the same words as those quoted above, only with the substitution of 2*s.* in the pound for 12*d.*, or 1*s.*, in the pound; and by the 1 Will. & M., sess. 2, c. 5, an additional aid of 12*d.* in the pound was granted, in the same terms as the last-mentioned aid of 2*s.* in the pound.

The above three aids, then, together would amount to a tax, for the year 1689-90, of 4*s.* in the pound on the true yearly rental of real property, and 24*s.* for every 100*l.* of personal property, (except debts, stock on land, and household goods).

The *stat.* 2 Will. & M., sess. 2, c. 1, (1690), and 3 Will. & M. c. 5, (1691), are a departure from the principle of the three immediately preceding statutes on this subject, inasmuch as in these two statutes a *fixed* sum is to be made up in the following manner:—The rate on personal property (except stock on land, which is exempted) is fixed, but the rate on land and other real property is not fixed, being made to depend (at least, by the words of the act, which, since it appears that they were never observed in practice, must, it should seem, be a blunder of the draftsman) on the proportion of the whole amount specified that remained to be made up after the personal property had paid its quota.

In 1692 Parliament again returned to the principle of the three statutes above specified, namely, the *stat.* 1 Will. & M., sess. 1, c. 20; sess. 2, c. 1; and sess. 2, c. 5. We consider it important to call particular attention to this fact, because the modern writers on the land-tax, as Mr. Miller, in his work on the laws relating to the land-tax, and Mr. Bourdin, in his "Exposition of the Land-tax," recently published, have referred to this act of 1692, the *stat.* 4 Will. & M. c. 1, as the basis of all the succeeding Land-tax Acts. It may be that the valuation made in pursuance of the act 4 Will. & M. c. 1, determined the ratio in which each district was to contribute under the modern acts. But the *principle* of the 4 Will. & M. c. 1, which was strictly followed and observed in the five succeeding acts, was in 1697 altogether and finally departed from in the 9 Will. 3, c. 10, by which, as in the two acts above mentioned, namely, the 2 Will. & M., sess.

2, c. 1, and the 3 Will. & M. c. 5, a *fixed* sum was granted, by the words used in the acts before referred to, which directed the said sum to be made up in a way which was never carried into practice, for what reason nobody, not even the chairman of the Board of Stamps and Taxes, nor the registrar of the Land-tax, (see their evidence before the Select Committee of the House of Commons on Agricultural Distress, in 1836), seems to have any accurate knowledge whatever.

Mr. Bourdin disposes of this fundamental change in the *principle* of these Land-tax Acts in a very summary but not very satisfactory manner. After mentioning that the sum realised by the assessment under the 4 Will. & M. c. 1, amounted to 1,922,712*l.*, he thus proceeds, (p. 5):—"Five acts followed, imposing a certain pound rate upon the same description of property; but in the subsequent year, *owing to the sum raised by this mode of assessment shewing an annual decrease*, it was deemed expedient that a specified sum should henceforth be levied, which sum was fixed at 1,484,015*l.* 1*s.* 11*d.*" It is true that there is an annual decrease in the produce of these acts, the act of 1693 producing 1,913,488*l.*, and the two acts of 1696 together producing 1,663,435*l.*; but was that a satisfactory reason for substituting for the future, without regard to the growing value of the property, both real and personal, to be taxed, a *fixed* sum, less by about 200,000*l.* than the sum raised in the preceding year? That evidently was not the reason. What was the reason, then? The whole matter is such a muddle, such a maze of confusion, however caused, that we can only arrive at last, after ever so much investigation of it, at some such dilemma as the following:—

Either the *stat.* 9 Will. 3, c. 10, of which all the subsequent statutes called Land-tax Acts are little else than copies, was skilfully framed for the purpose of protecting the land and other real property from paying a tax in proportion to the *growing* profits, and for transferring the principal part of the burthen on personal property—the deviation in practice from the provisions of the statute having been made from the consideration, that if the law had been put in force according to the letter, the pressure thereby occasioned on the owners of personal property would have led to a discovery of the true nature of the acts called Land-tax Acts; or the strange repugnance between the name as well as the apparently general impression of the purpose and intent of the acts called Land-tax Acts, and their true character, arose from the blunders of the draftsman and the ignorance of Parliament.

If the measure had been but a temporary expedient, the latter supposition might seem the more probable explanation of the difficulty. But when for a whole century a scheme for raising money was re-enacted, in almost identical words, every year—when every year for a hundred years a law was framed in such a shape that it appeared to be one thing, and was, in fact, another—with every disposition to do justice to the ignorance of Parliament and of draftsmen, we are inclined to doubt whether, in this case, the "whole purpose of an act was sacrificed to the ignorance of Parliament or of a draftsman."

However, the history of those acts called Land-tax Acts furnishes a most remarkable and instructive example of the effect upon the mind of the successive *strata* of words under which the meaning, where there is a meaning, in these as in many more acts of Parliament, lies hid. It was not altogether without cause that the authors of acts of Parliament considered their merits greater, and their claims higher on the gratitude of their country, "in proportion as they could succeed in including a greater number of limitations, qualifications, conditions, and provisos between the nominative case and its verb, or any other pair of dependent words." (Coode on Legislative Expression, 67). A

certain tax was voted every year, from the 9 Will. 3 to the 30 Geo. 3—that is, from 1697 to 1798, a period of a hundred years—which was, according to the words of the act of Parliament, a tax, first, on all personal property, except stock on land and a few other trifling articles; secondly, on public official incomes, except military and naval; and, thirdly, in the event of the specified sum not being made up from these two sources, a tax on real property was to make up the residue or deficiency. But the rates upon personal property are to be levied on the growing profits, “according to the true yearly value thereof.” It is therefore quite clear that the sum specified would, if not in 1698, within not a very great number of years, be easily raised from the personal property, without having recourse to the land or real property at all. Why, then, call this tax a land-tax, when it was really a personal property-tax? But then it was never levied according to the act of Parliament. Why? Nobody seems to know. In the Select Committee on Agricultural Distress, in 1836, John Wood, Esq., chairman of the Board of Stamps and Taxes, and William Garnett, Esq., registrar of the Land-tax, in the course of their examination, being asked whether some instructions would not be given to the local commissioners as to the species of property on which they were to levy, replied, “The commissioners undoubtedly ought to regulate themselves by the act of William and Mary, and the subsequent acts; but we have never been able to discover why their practice deviated therefrom.” (Agric. Rep. 1836, Quest. 9098). And to the question, whether it was ever levied on any other species of property, the answer is, “To a certain degree it was levied on personal property, and also on offices, but the amount latterly was very inconsiderable. The personal estates have been relieved of the tax from 1833.”—*Mr. Garnett*. “The produce was under 6000*l.* a year latterly.” (Quest. 9099).

Sir Robert Peel, after reciting the 2nd section of the stat. 4 Will. & M. c. 1, asks, (Quest. 9112), “Is not the effect of that to make what is commonly called personal property of all descriptions, even debts due from foreigners, after deducting bad debts, and after deducting the debts of the party upon whom the claim of land-tax was due, all personal property, equally subject with what is called ‘land?’”—*Mr. Wood*. “I entertain no doubt that was the intention of the act.”

As we have shewn, that was not the intention of the act. The intention of the act, as far as its intention can be gathered from its words, was not to make personal property *equally* subject with real property; but the strict effect of the act would have been, that at the present time, if the act were executed, real property would have nothing to pay, as the sum fixed would be made up before the contributions charged on personal property were exhausted, and there would be no deficiency to be made up from real property.

Sir Robert Peel again asks, (Quest. 9113), “Is there any record of the mode in which the contribution on personal property was originally levied?—None, so far as we have made the discovery. I have looked into the journals of the House of Commons; I have not concluded the search I had intended to make, but I have not been able to meet with anything on the subject. In the committees of supply, directions are sometimes found as to the particular mode in which the levies were to be made and treated.

“9114. Do you believe that immediately after the passing of that act personal property was made chargeable in the same proportion as land?—I think it was made chargeable; but my conjecture is, that practical difficulties arose, and the commissioners were very soon satisfied with laying a rate on the more tangible property, the land.

“9115. Do you think that the land not only paid its

own contributions, but also for the default of those who had personal property?—It is very possible that it might.”

And again:—

“9132. *Sir Robert Peel*.—On what principle was it, in respect of the enactment so recent as that of 1797, where the clauses seem so express that the personal property should be answerable for a certain amount, that that was not carried into effect?—The working of the act depends entirely upon the local commissioners, and we know nothing of the assessments which they make, or the description of property they choose to assess; and I suppose it never had been the custom to assess personal property generally; but that they found that the quota was easily raised within the county, and that they did not choose to disturb the assessment which had been before made. We find that in most districts there was a small charge made for the duty on personal estates, but it was very small indeed. I think latterly it was only between 5000*l.* and 6000*l.* a year; and an act (3 Will. 4, c. 12) passed in the year 1833, doing away with that duty on personal estates hereafter.”

If a certain public building had been built according to an act of Parliament, and then another act of Parliament had been passed annihilating the whole of the building except the chimneys, and at the same time commanding that the building so maimed should still be the original building, this would convey somewhat of an idea of the mode in which our Parliament has thought fit to exhibit its wisdom and omnipotence in the matter of the long series of acts called the Land-tax Acts. As the matter now stands, however, since the passing of the stat. 3 Will. 4, c. 12, that which was originally only a small and incidental, *not necessary*, part of the building, has really been made the whole building; and the tax is really a land-tax, such as it is. In regard to the question of what is called a more equal repartition of the land-tax, the proper way to effect this would be, to make all property pay the same rate that the property paying the *highest* rate now pays. Mr. Pitt expressly declared that the redemption of the land-tax would not stand in the way of this. “If the whole,” he said, “were to be redeemed, the only thing necessary to be provided is, that if ever a new land-tax is imposed, it shall not be imposed upon those who have redeemed *in any different proportion* from that on those who have not redeemed. It would be necessary to provide that the amount of what may have been redeemed shall be deducted from any new impost.”

## London Gazettes.

FRIDAY, JULY 28.

### BANKRUPTS.

JOHN HUMPHREY, Dorking, Surrey, butcher, dealer and chapman, Aug. 4 and Sept. 8 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Young, Dorking, Surrey, and 3, Sergeants'-inn, Fleet-street, London.—Petition filed July 26.

SOMMERSBY EDWARDS, Long Buckby, Northamptonshire, scrivener and trader, dealer and chapman, Aug. 5 at 1, and Sept. 4 at half-past 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. J. & J. H. Linklater, 17, Sisle-lane, Bucklersbury, London.—Petition filed July 22.

WILLIAM DUNDAS, Celbridge-place, Westbourne-park-road, Paddington, Middlesex, house decorator and paper hanger, Aug. 3 and Sept. 8 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Lee & Pemberton, 43, Lincoln's-inn-fields.—Petition filed July 24.

JAMES ABRAHAM BELL, Great Baddow, Essex, hop merchant, dealer and chapman, Aug. 7 at half-past 2, and Sept. 12 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Bastard, 9, Rood-lane, London.—Petition filed July 24.

**GORDON HENRY CRIPPS**, Shrewsbury, Shropshire, wine merchant, dealer and chapman, Aug. 8 and Sept. 12 at half-past 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Taylor & Collisson, 28, Great James-street, Bedford-row, London.—Petition filed July 13.

**ANTHONY DEALE**, Leadenhall-street, London, patent ocean float manufacturer, dealer and chapman, (carrying on business with Horatio Clagett, under the style or firm of A. Deale & Co.), Aug. 7 at 3, and Sept. 12 at 2, Court of Bankruptcy, London: Off. Ass. Lee; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury, London.—Petition filed July 18.

**HORATIO CLAGETT**, Leadenhall-street, London, patent ocean float manufacturer, dealer and chapman, (carrying on business with Anthony Deale, under the style or firm of A. Deale & Co.), Aug. 7 at 3, and Sept. 12 at 2, Court of Bankruptcy, London: Off. Ass. Lee; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury, London.—Petition filed July 26.

**JAMES MAYNARD**, Queen's-road West, Chelsea, Middlesex, butcher, dealer and chapman, Aug. 8 and Sept. 12 at 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Smith & Son, 6, Barnard's-inn, London.—Petition filed July 26.

**EPHRAIM WATSON**, Polstead, Suffolk, shoemaker and farmer, dealer and chapman, Aug. 9 at 2, and Sept. 9 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Newman & Harper, Hadleigh, Suffolk; Pownall & Co., 9, Staple-inn, Holborn, London.—Petition filed July 14.

**HENRY ANDERSON**, Leicester, manufacturer of carved frames and restorer of paintings, dealer and chapman, Aug. 8 and 29 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Harvey, Leicester; Hodgson, Birmingham.—Petition dated July 13.

**JOSEPH PRATT**, Manchester, bookseller and printer, dealer and chapman, Aug. 7 and 29 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sol. Jackson, Manchester.—Petition filed July 25.

**ROBERT KIRKPATRICK**, formerly of Ancoats Vale, Manchester, brass and iron founder, and now or late of Ashley-lane, Manchester, joiner and builder, dealer and chapman, Aug. 15 and Sept. 5 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sol. Sutton, Manchester.—Petition filed July 21.

**MICHAEL NEVILLE**, Liverpool, brassfounder and copper-smith, dealer and chapman, Aug. 14 and Sept. 5 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sol. Dodge, Liverpool.—Petition filed July 21.

**FRANCIS KAY**, Sheffield, Yorkshire, cut-nail manufacturer, Aug. 5 at 10, and Sept. 16 (and not Sept. 6, as advertised in last Friday's Gazette) at 12, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sols. Branson & Son, Sheffield.—Petition dated July 19.

#### MEETINGS.

**Wm. Speller**, Warwick-road West, Paddington, Middlesex, builder, Aug. 16 at 1, Court of Bankruptcy, London, last ex. and aud. ac.—**E. Henington**, Caversham, Oxfordshire, and High Wycomb, Buckinghamshire, fellmonger, Aug. 16 at 1, Court of Bankruptcy, London, last ex. and aud. ac.—**S. Isaacs**, Portsmouth, Hampshire, hardwareman, Aug. 16 at 12, Court of Bankruptcy, London, last ex. and aud. ac.—**Wm. Chenworth**, Manchester, merchant, Aug. 7 at 12, District Court of Bankruptcy, Manchester, last ex.—**James Acomb**, Blackburn, Lancashire, and York, draper, Aug. 7 at 12, District Court of Bankruptcy, Manchester, last ex.—**T. Finchett** and **W. Finchett**, Chorlton-upon-Medlock, near Manchester, brewers, Aug. 7 at 12, District Court of Bankruptcy, Manchester, last ex.—**R. Geo. Prentice**, High-street, Shadwell, and Tachbrook-street, Fimlico, Middlesex, grocer, Aug. 16 at 12, Court of Bankruptcy, London, aud. ac.—**George Saunders**, Seymour-st., Euston-square, gas fitter, Aug. 10 at 11, Court of Bankruptcy, London, aud. ac.—**Benjamin West**, Fleet-st., London, and St. James's-walk, Clerkenwell, Middlesex, bookseller, Aug. 11 at half-past 1, Court of Bankruptcy, London, aud. ac.; Aug. 13 at 1, div.—**Maurice Jarvis**, Leeds, Yorkshire, woolstapler, Aug. 8 at half-past 11, District Court of Bankruptcy, Leeds, aud. ac.—**John Jackson**, Lackenby, Yorkshire, builder, Aug. 7 at 11, District Court of Bankruptcy, Leeds, aud. ac.—**John Henry Whitfield** and **Francis Lyth**, York, builders, Aug. 7 at 11, District Court of Bankruptcy, Leeds, aud. ac.—**Edmund Hindle**, Denholme, Bradford, Yorkshire, manufacturer,

Aug. 7 at 11, District Court of Bankruptcy, Leeds, aud. ac.—**S. Sharp** and **W. Leaf Middleton**, Leeds, Yorkshire, printers, Aug. 14 at 11, District Court of Bankruptcy, Leeds, aud. ac.—**John Bradeley Beaumont**, Newcastle-under-Lyne, Staffordshire, common brewer, Aug. 21 at 1, Court of Bankruptcy, London, div.—**Valentine H. Gay**, Blackfriars-road, Surrey, and Strand, Middlesex, tailor, Aug. 21 at 1, Court of Bankruptcy, London, div.—**Mary Ann Thomas** and **Wm. Thomas**, Upper King-street, Bloomsbury, and Green-st., Theobald's-road, Middlesex, builders, Aug. 21 at half-past 2, Court of Bankruptcy, London, div.—**Cecil S. T. Walker**, Oxford-st., Middlesex, artificial florist, Aug. 21 at 2, Court of Bankruptcy, London, fin. div.—**James Harper Gibbons**, Wood-street, Cheapside, London, straw-hat warehouseman, Aug. 21 at 2, Court of Bankruptcy, London, div.—**Alexander Dalrymple**, Lime-street, London, merchant, Aug. 18 at 2, Court of Bankruptcy, London, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

**John Robins Vivian**, Cheapside, London, dealer in mining shares, and Stonehouse, Devonshire, coal merchant, Aug. 21 at half-past 12, Court of Bankruptcy, London.—**Thos. Harris**, West Wycomb, Buckinghamshire, chair manufacturer, Aug. 21 at 1, Court of Bankruptcy, London.—**George Butler**, Nicholas-lane, Lombard-street, London, auctioneer, Aug. 18 at 2, Court of Bankruptcy, London.—**Nicholas Kennedy**, Shude-hill, Manchester, ivory turner, Sept. 28 at 12, District Court of Bankruptcy, Manchester.—**Jas. Rankin**, Liverpool, wholesale clothier, Aug. 21 at 11, District Court of Bankruptcy, Liverpool.

*To be granted, unless an Appeal be duly entered.*

**Edw. Carter**, Murray-street, Hoxton, Middlesex, builder.—**J. Baker**, Edgeware-road, and Jonson-place, Westbourne-green, Middlesex, draper.—**Robert Noddes Newton** and **Thos. Godfrey Payne**, New Park-street, Southwark, Surrey, gas engineers.—**John Sharpe**, Barn Elms, Barnes, Surrey, cow-keeper.—**Wm. Clift**, Ulling, Essex, cattle salesman.—**Hugh Eldred**, Witney, Oxfordshire, grocer.—**Samuel Crane Fox**, Liverpool, wine merchant.—**Benjamin Redfern**, Manchester, stonemason.

#### SCOTCH SEQUESTRATIONS.

**David Miller**, Auchterderran, Fife, wood merchant.—**Wm. Taylor**, Glasgow, builder.—**John Laing & Sons**, Edinburgh, postmasters.—**Malcolm Niven**, Glasgow, merchant.—**James M'Connell & Co.**, Hezelden, Renfrewshire, bleachers.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

**John Luck**, Biggleswade, Bedfordshire, tailor, Aug. 16 at 3, County Court of Bedfordshire, at Biggleswade.—**John Kempster**, Haghendon, Buckinghamshire, baker, Aug. 8 at 11, County Court of Buckinghamshire, at High Wycomb.—**Emma Ayres**, Liverpool, dealer in tobacco, Aug. 7 at 10, County Court of Lancashire, at Liverpool.—**Owen Owens**, Liverpool, tailor, Aug. 7 at 10, County Court of Lancashire, at Liverpool.—**Wm. Pickup**, Blackburn, Lancashire, bricklayer, Aug. 14 at 11, County Court of Lancashire, at Liverpool.—**William Spearing Rogers**, Southampton, grocer, Aug. 11 at 10, County Court of Hampshire, at Southampton.—**Thomas Jefferys**, Eling, Southampton, dealer in hay, Aug. 11 at 10, County Court of Hampshire, at Southampton.—**Robert Thos. Stark**, Bridgewater, Somersetshire, tailor, Aug. 9 at 10, County Court of Devonshire, at Barnstaple.—**John Hickling**, Loughborough, Leicestershire, joiner, Aug. 14 at 10, County Court of Leicestershire, at Loughborough.—**Henry Williams**, Newport, Monmouthshire, beerhouse keeper, Aug. 16 at 12, County Court of Monmouthshire, at Newport.—**R. Sutton**, widow, Wilmslow, Cheshire, out of business, Aug. 11 at 10, County Court of Cheshire, at Knutsford.—**Joseph Sutton**, Wilmslow, Cheshire, railway clerk, Aug. 11 at 10, County Court of Cheshire, at Knutsford.—**Thomas Sutton**, Wilmslow, Cheshire, railway clerk, Aug. 11 at 10, County Court of Cheshire, at Knutsford.—**R. Sutton**, Wilmslow, Cheshire, railway clerk, Aug. 11 at 10, County Court of Cheshire, at Knutsford.—**John George Webb**, Gloucester, tobacconist, Aug. 22 at 10, County Court of Gloucestershire, at Gloucester.—**J. Snelus**, Tewkesbury, Gloucestershire, greengrocer,

Aug. 17 at 10, County Court of Gloucestershire, at Tewkesbury.—*Wm. Tant*, Bacup, Lancashire, dissenting minister, Aug. 10 at 12, County Court of Lancashire, at Rochdale.—*George Hook*, Llangattock, Breconshire, mine contractor, Aug. 23 at 12, County Court of Monmouthshire, at Tredegar.—*James Moynsey*, Huddersfield, Yorkshire, commission agent, Aug. 10 at 10, County Court of Yorkshire, at Huddersfield.—*Wm. Lester*, Thornton, Leicestershire, saddler, Aug. 17 at 10, County Court of Leicestershire, at Market Bosworth.—*J. Chapman*, Mansfield, Nottinghamshire, assistant to a chemical manure manufacturer, Aug. 28 at 10, County Court of Nottinghamshire, at Mansfield.—*Robert Twells*, Basford, Nottinghamshire, labourer, Aug. 29 at 10, County Court of Nottinghamshire, at Nottingham.—*Wm. Ingram*, Nottingham, licensed victualler, Aug. 29 at 10, County Court of Nottinghamshire, at Nottingham.—*Thomas Bishop*, Brecknock, attorney-at-law, Aug. 8 at 10, County Court of Brecknockshire, at Brecknock.—*George Bannister*, Tipton, Staffordshire, bookkeeper, Aug. 10 at 9, County Court of Worcestershire, at Dudley.—*Charles E. Kettle*, Hall Green, Sedgley, Staffordshire, surgeon, Aug. 10 at 9, County Court of Worcestershire, at Dudley.—*John S. James*, Tipton, Staffordshire, hair dresser, Aug. 10 at 9, County Court of Worcestershire, at Dudley.—*Wm. James*, Abersychan, Trevechin, Monmouthshire, butcher, Aug. 17 at 10, County Court of Monmouthshire, at Pontypool.—*George Wall*, Oxford, ropemaker, Aug. 16 at 10, County Court of Oxfordshire, at Oxford.—*John W. Wyllie*, Oxford, out of business, Aug. 16 at 10, County Court of Oxfordshire, at Oxford.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Hampshire, at SOUTHAMPTON, Aug. 11.*

*George Richardson*, Southampton, builder.—*James Bishop*, Southampton, cordwainer.

*At the County Court of Glamorganshire, at SWANSEA, Aug. 15 at 11.*

*Wm. M. Bruster*, Swansea, Italian warehouseman.

## TUESDAY, AUGUST 1.

### BANKRUPTS.

**WILLIAM MATTHEWS**, late of Waverley-road, Harrow-road, and now of Cottage-road, Harrow-road, Paddington, Middlesex, builder, Aug. 9 at 2, and Sept. 9 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Lee & Pemberton, 43, Lincoln's-inn-fields, London.—Petition filed July 29.

**SAMUEL ZAGURY**, Callum-street, London, merchant, Aug. 15 at 1, and Sept. 9 at 1, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Sole & Co., 68, Aldermanbury, London.—Petition filed July 20.

**SIMON STOW HITCHCOCK**, now of Blackmore, near Ingatestone, Essex, and late of Boxford, Suffolk, maltster, dealer and chapman, Aug. 14 and Sept. 8 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Lawrence & Co., 14, Old Jewry-chambers, Old Jewry.—Petition filed July 28.

**GEORGE HOWES**, Mortimer-road, Kingland, Middlesex, licensed victualler, dealer and chapman, Aug. 10 at 1, and Sept. 8 at half-past 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Crouch, 8, Gray's-inn-square, London.—Petition filed July 28.

**FREDERICK SMITH**, Standon, near Ware, Hertfordshire, miller, dealer and chapman, Aug. 14 at 2, and Sept. 7 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. E. & E. Foster, Cambridge; J. & C. Cole, 4, Adelphi-terrace, Strand, London.—Petition filed July 29.

**CORNELIUS GIBBS**, Thorndon, Suffolk, innkeeper and tailor, Aug. 14 at half-past 1, and Sept. 8 at half-past 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Utton, 44, Noble-street, Cheapside.—Petition filed July 31.

**PETER TAYLOR**, Manchester, millwright, engineer, and tool maker, Aug. 15 and Sept. 5 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sol. Gartside, Manchester.—Petition filed July 25.

**HUGH HART**, Hulme, Lancashire, timber merchant, dealer and chapman, Aug. 22 and Sept. 12 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sol. Blair, Manchester.—Petition filed July 26.

**WILLIAM MAKIN** the younger, Manchester, provision dealer, dealer and chapman, Aug. 14 and Sept. 4 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Hall & Janion, Manchester; Bower & Son, 46, Chancery-lane, London.—Petition filed July 22.

**JOHN SELICK**, Chappas Mills, Colerne, Wiltshire, and Bristol, paper maker and rag merchant, Aug. 14 and Sept. 12 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Crosby, Bristol; Jay, 15, Serjeants'-inn, London.—Petition filed July 25.

**HENRY SWIRE**, Skipton, and **JOHN LOCKWOOD**, Shipley, Yorkshire, (carrying on business at Shipley, under the style or firm of Swire, Lockwood, & Co.), worsted manufacturers, Aug. 15 at 12, and Sept. 12 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Rawson & Co., Bradford; Bond & Barwick, Leeds.—Petition dated July 31.

**JOSEPH SMITHSON**, West Mills, Mirfield, Yorkshire, corn miller and maltster, dealer and chapman, Aug. 15 and Sept. 12 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Stocks & Co., Halifax; Bond & Barwick, Leeds.—Petition dated July 28.

**THOMAS ROBINSON**, Hexham, Northumberland, carrier, dealer and chapman, (trading under the style or firm of Thomas Robinson & Co.), Aug. 9 at half-past 11, and Sept. 13 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Welford, Newcastle-upon-Tyne; Harle & Co., Newcastle-upon-Tyne, and 20, Southampton-buildings, Chancery-lane, London.—Petition dated July 22.

**HENRY BROWNENTT**, Liverpool, merchant, (trading under the firm of Henry Brownentt & Co.), Aug. 11 and Sept. 1 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Pemberton, Liverpool; Cornthwaite, London.—Petition filed July 27.

**WILLIAM ATHERTON**, Liverpool, merchant, Aug. 14 and Sept. 5 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Avison & Pritt, Liverpool.—Petition filed July 29.

### MEETINGS.

*John Solomon*, Circus, Minorics, London, shipowner, Aug. 23 at 12, Court of Bankruptcy, London, last ex.—*John L. Bullock*, Rodney-wharf, Battersea, Surrey, manufacturing chemist, Aug. 23 at 12, Court of Bankruptcy, London, and ac.—*John Withers*, Oxford, chemist, Aug. 12 at 2, Court of Bankruptcy, London, and ac.—*Henry M. Ramsay*, Elgin-crescent, Kensington-park, Middlesex, builder, Aug. 12 at 2, Court of Bankruptcy, London, and ac.—*Charles Ferguson*, Hitchin, Hertfordshire, draper, Aug. 12 at 2, Court of Bankruptcy, London, and ac.—*Thomas B. B. Stevens*, Pall-mall, Middlesex, bill broker, Aug. 22 at 2, Court of Bankruptcy, London, and ac.—*Richard Gribbell* and *Richard Luscombe*, Tavistock, Devonshire, wholesale grocers, Aug. 17 at 1, District Court of Bankruptcy, Exeter, and ac. and div. joint and sep. ests.—*Thomas Manning*, Combe Lake, near Fair Mile, Ottery St. Mary, Devonshire, smith and machine manufacturer, Aug. 24 at 1, District Court of Bankruptcy, Exeter, and ac.—*Thomas Pitt*, Haselbury Plucknett, Somersetshire, girth web manufacturer, Aug. 17 at 1, District Court of Bankruptcy, Exeter, and ac.—*William Sims*, Redruth, Cornwall, linen-draper, Aug. 24 at 1, District Court of Bankruptcy, Exeter, and ac.; Aug. 31 at 1, div.—*Thos. Stone Besley*, Tiverton, Devonshire, grocer, Aug. 24 at 1, District Court of Bankruptcy, Exeter, and ac.; Aug. 31 at 1, div.—*John Frederick Thymne*, Tavistock, Devonshire, dealer in musical instruments, Aug. 24 at 1, District Court of Bankruptcy, Exeter, and ac.; Aug. 31 at 1, div.—*James Riden*, Camborne, Cornwall, mercer, Aug. 24 at 1, District Court of Bankruptcy, Exeter, and ac.; Aug. 31 at 1, div.—*William Ridge*, Exeter, tailor, Aug. 17 at 1, District Court of Bankruptcy, Exeter, and ac.; Aug. 31 at 1, div.—*George Handson Julian*, Exeter, coal dealer, Aug. 24 at 1, District Court of Bankruptcy, Exeter, and ac.; Aug. 31 at 1, div.—*Edward Roberts*, Chard, Somersetshire, innkeeper, Aug. 17 at 1, District Court of Bankruptcy, Exeter, and ac.—*John F. Reeves*, Taunton, Somersetshire, scrivener, Aug. 17 at 1, District Court of Bankruptcy, Exeter, and ac.—*Isaac Sleane*, Coventry, Warwickshire, ribbon manufacturer, Aug. 24 at 10, District Court of Bankruptcy, Birmingham, and ac. and div.—*Jos. Carruthers Nicholson*, Liverpool, merchant, Aug. 10 at 11, District Court of Bankruptcy, Liverpool, and ac.—*Henry Addis*, William

*Onions*, and *Edmund Lloyd*, Gloucester, vinegar manufacturers, Aug. 15 at 11, District Court of Bankruptcy, Bristol, pr. d.—*Robert Hewson*, Louth, Lincolnshire, innkeeper, Aug. 23 at 12, District Court of Bankruptcy, Kingston-upon-Hull, aud. ac.—*W. Duncan*, Kingston-upon-Hull, grocer, Aug. 23 at 12, District Court of Bankruptcy, Kingston-upon-Hull, aud. ac.—*Edward Hopewell* and *A. Thacker*, Leadenhall-st., London, outfitters, Aug. 23 at half-past 2, Court of Bankruptcy, London, fin. div.—*John Hales Sweet*, Tunbridge Wells, Kent, seedsman, Aug. 29 at half-past 2, Court of Bankruptcy, London, div.—*Richard Beckett*, Liverpool, carrier, Aug. 23 at 11, District Court of Bankruptcy, Liverpool, div.—*Thos. Casson*, Liverpool, coach builder, Aug. 24 at 11, District Court of Bankruptcy, Liverpool, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Mary Thornton Steele*, Norland-road, Notting-hill, Middlesex, licensed victualler, Aug. 24 at 11, Court of Bankruptcy, London.—*John Lloyd Bullock*, Conduit-st., Bond-st., Middlesex, operative chemist, Aug. 23 at 12, Court of Bankruptcy, London.—*David Holden* the younger, Horsham, Sussex, ironmonger, Aug. 23 at 2, Court of Bankruptcy, London.—*Joseph Buhrer*, Holborn-hill, London, fancy warehouseman, Aug. 23 at half-past 1, Court of Bankruptcy, London.—*James Green*, Northampton, carpenter, Aug. 23 at half-past 2, Court of Bankruptcy, London.—*Thos. Brook Bridges Stevens*, Pall-mall, Middlesex, bill broker, Aug. 22 at 2, Court of Bankruptcy, London.—*Algimiro Duroni*, Fenchurch-st., London, merchant, Aug. 23 at 11, Court of Bankruptcy, London.—*Joseph Cooper*, Liverpool, Lancashire, and Birkenhead, Cheshire, ironmonger, Aug. 24 at 11, District Court of Bankruptcy, Liverpool.—*Thomas Stone Beesley*, Tiverton, Devonshire, grocer, Aug. 24 at 1, District Court of Bankruptcy, Exeter.—*Thos. Barnsley*, Ashton-under-Lyne, Lancashire, tailor, Aug. 23 at 12, District Court of Bankruptcy, Manchester.—*Edwin Ashley*, Manchester, smallware manufacturer, Aug. 22 at 12, District Court of Bankruptcy, Manchester.—*James Worrall*, Bolton and Manchester, Lancashire, manufacturer, Aug. 23 at 12, District Court of Bankruptcy, Manchester.—*Henry Ansley* and *Wm. Walton*, Birmingham, drapers, Sept. 7 at 10, District Court of Bankruptcy, Birmingham.—*George Taylor*, Leicester, hosier, Sept. 19 at 10, District Court of Bankruptcy, Nottingham.—*Robert Hewson*, Louth, Lincolnshire, innkeeper, Aug. 23 at 12, District Court of Bankruptcy, Kingston-upon-Hull.

To be granted, unless an Appeal be duly entered.

*Wm. Grand*, Lower Tottenham, Middlesex, builder.—*C. H. May*, Edgeware-road, Marylebone, Middlesex, jeweller.—*Benjamin Redhead Waite*, Wormwood-st., London, butcher.—*Thos. Manning*, Combe Lake, near Fair Mile, Ottery St. Mary, Devonshire, smith.—*George Havelock* and *Matthew Benjamin Robson*, Monkwearmouth, Durham, ship builders.—*John Bates*, West Bromwich, Staffordshire, builder.—*R. Hammond*, Ripon, Yorkshire, builder.

## PETITION DISMISSED.

*Bennett Alfred Burton* and *Henry Mortimer Burton*, John's-place, Holland-street, Southwark, Surrey, engineers.

## SCOTCH SEQUESTRATIONS.

*Robert Hamilton*, Edinburgh, Signet Hall keeper.—*Alex. Turnbull*, Glasgow, miller.—*Anderson & Murphy*, Glasgow, sewed muslin manufacturers.—*James Somerville*, Glasgow, hosier.—*James Dunlop*, Ayton, Berwickshire, draper.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Thos. Williams*, Merthyr Tydfil, Glamorganshire, licensed victualler, Aug. 10 at 10, County Court of Glamorganshire, at Merthyr Tydfil.—*Wm. Mills*, Taunton, Somersetshire, rag dealer, Aug. 16 at 10, County Court of Somersetshire, at Taunton.—*Mary A. Brewer*, Taunton, Somersetshire, grocer, Aug. 16 at 10, County Court of Somersetshire, at Taunton.—*Thomas Jenkins*, Neath, Glamorganshire, beer-house keeper, Aug. 12 at 10, County Court of Glamorganshire, at Neath.—*Morris Gibby* the younger, Llansamlet, near Swansea, Glamorganshire, farmer, Aug. 12 at 10, County Court of Glamorganshire, at Neath.—*Joseph Crich*, Newmarket, Cambridgeshire, baker, Aug. 14 at 3, County Court of Cambridgeshire,

at Newmarket.—*William Mainprize*, Bridlington, Yorkshire, gasfitter, Aug. 8 at 10, County Court of Yorkshire, at Bridlington.—*James Hunwick*, Haverhill, Suffolk, leather seller, Aug. 22 at 12, County Court of Suffolk, at Sudbury.—*Luke Lund*, Bradford, Yorkshire, butcher, Aug. 19 at 11, County Court of Yorkshire, at Bradford.—*George Beale*, Bradford, Yorkshire, upholsterer, Aug. 19 at 11, County Court of Yorkshire, at Bradford.—*Jacob Antill*, Bisley, Gloucestershire, baker, Aug. 23 at 10, County Court of Gloucestershire, at Stroud.

Saturday, July 29.

Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.

*J. Chaffers*, New Wortley, near Leeds, Yorkshire, cabinet maker, No. 77,995 C.; *Henry Barkworth*, assignee.—*Ellis A. Heyward*, Birmingham, shoe manufacturer, No. 78,285 C.; *William Marahal*, assignee.—*Robt. Addehead*, Manchester, stonemason, No. 75,095 C.; *John Harpin*, Thomas Tinker, and *John Brierley*, assignees.—*William Mitchell*, Horsham, Sussex, miller, No. 78,084 C.; *Robert Sheppard* and *Henry Phillips Thorpe*, assignees.—*Ephraim Watson*, Polstead, Suffolk, shoemaker, No. 78,134 C.; *Edward Richardson* and *Stannard Borham*, assignees.—*Samuel Shaw*, Mottram in Longdendale, Cheshire, draper, No. 78,261 C.; *Matthew Newton Welch*, assignee.

Saturday, July 29.

Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—

(On their own Petitions).

*Wm. Osborne*, Hampstead-road, Middlesex, butcher: in the Debtors Prison for London and Middlesex.—*D. Williams*, Wells-row, Upper-street, Islington, Middlesex, fruiterer's assistant: in the Debtors Prison for London and Middlesex.—*Chas. Perry*, Lower-street, Islington, Middlesex, butcher: in the Debtors Prison for London and Middlesex.—*Henry S. Smith*, Friar-street, Blackfriars-road, Surrey, stay maker: in the Debtors Prison for London and Middlesex.

(On Creditor's Petition).

*Sarah Atlee*, Oval-cottages, Hackney-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.

(On their own Petitions).

*H. Bradley*, Huddersfield, Yorkshire, clothes dealer: in the Gaol of York.—*H. Wright*, Rotherham, Yorkshire, furniture broker: in the Gaol of York.—*W. Ross*, Dover, Kent, gunsmith: in the Gaol of Dover.—*William Makin* the younger, Manchester, baker: in the Gaol of Lancaster.—*John Ashworth*, Heaton Norris, near Manchester, out of business: in the Gaol of Lancaster.—*Jas. Taylor*, Lancaster, out of business: in the Gaol of Lancaster.—*David Brierley*, Middleton, near Manchester, silk dealer: in the Gaol of Lancaster.—*Edwin Slack*, Leeds, Yorkshire, out of business: in the Gaol of York.—*Wm. Jarvis*, Ross, Herefordshire, town crier: in the Gaol of Hereford.—*Charles Frankcom*, Bath, Somersetshire, out of business: in the Gaol of Wilton.—*John Logan*, Oxford, draper: in the Gaol of Oxford.—*Henry Evans*, Woburn, Bedfordshire, hairdresser: in the Gaol of Bedford.—*James Thompson*, Poddington, Bedfordshire, farm bailiff: in the Gaol of Bedford.—*Thomas Armstrong*, Salford, Lancashire, hat manufacturer: in the Gaol of Lancaster.—*Gregson Erasmus Brown*, Salford, Lancashire, joiner: in the Gaol of Lancaster.—*Richard Ellis*, Ashton-under-Lyne, Lancashire, out of business: in the Gaol of Lancaster.—*Martin Hayne*, Ashton-under-Lyne, Lancashire, provision-shop keeper: in the Gaol of Lancaster.—*Nicholas Livesey*, Blackburn, Lancashire, bookseller: in the Gaol of Lancaster.—*John Ramsbottom*, Accrington, Lancashire, manufacturer of the elliptical rotatory steam-engine: in the Gaol of Lancaster.—*Alfred Eggington*, Lichfield, solicitor: in the Gaol of Lichfield.—*S. Harrison*, West Bromwich, Staffordshire, farming bailiff: in the Gaol of Stafford.—*Joseph Malbon*, Chesterton, near Newcastle-under-Lyme, Staffordshire, potter: in the Gaol of Stafford.—*William Burch*, Mendlesham, Suffolk, veterinary surgeon: in the Gaol of Ipswich.—*Anne Hand*, widow, Wilmslow, Cheshire: in the Gaol of Chester.—*Jas. Phillips*, Birmingham, marine store dealer: in the Gaol of Coventry.—*John Hodgetts*, Walsall, Staffordshire, butcher: in the Gaol of Stafford.—*John Bower*, Laister Dyke, near Bradford, Yorkshire, manufacturer: in the Gaol of York.—*Ann Hop-*



—*Henry C. Eycott*, Upper Seymour-street, Euston-square, Middlesex, clerk in the Special Commission Department for the Return of Income and Property Tax, Somerset House: 2s. 9d. in the pound.—*James Smith*, Seven-step-court, Bethnal-green, Middlesex, labourer: 20s. in the pound.—*Henry A. M. Cooke*, Augustus-square, Park-village, Regent's-park, Middlesex, band master: 2s. 6d. in the pound.—*James Howarth*, Huntley-brook, near Bury, Lancashire, out of business: 1s. 7d. in the pound.—*Wm. H. Powell*, Somerset-place, Forest-row, Dalston, Middlesex, messenger to the Court for Relief of Insolvent Debtors: 3s. 6d. (making 8s. 2d.) in the pound.—*George Bish*, High-street, Stratford, Essex, smith: 2d. in the pound.—*Richard Candler*, Davoston, Shropshire, gentleman: 19s. in the pound.—*Henry Jones*, Mangotsfield, Gloucestershire, farmer: 5d. in the pound.—*Wm. A. Holmes*, Mendip-road, Battersea, Surrey, clerk in the Ordnance Office, Tower: 3s. 1d. (making 6s.) in the pound.—*George Cooper*, Kingston, Surrey, working cutler: 8s. 6d. in the pound.—*George Wm. Dyson*, Howard-street, Strand, Middlesex, gentleman: 11s. 6d. in the pound.

Apply at the Provisional Assignees' Office, Portugal-street, Lincoln's-inn-fields, London, between the hours of 11 and 5.

*William Murley*, commander in the Royal Navy, at Galpin's, Crewkerne, Somersetshire: 3s. (making 16s.) in the pound.

are ordered to be brought up before the County Court, to be examined and dealt with accordingly:—

at the County Court of Staffordshire, at LICHFIELD, Aug. 15 at 10.

*Wm. Thompson*, Lichfield, solicitor.

at the County Court of Somersetshire, at TAUNTON, Aug. 16.

*William John Bristol*, assistant at the St. Helen's Glass Works, carbo-naceous, Bristol.—*James Tanner*, East Brent, carbo-naceous, dealer.—*Wm. Palmer*, Walcot, out of business.—*Charles Frankcom*, Bath, out of business.

at the County Court of Oxfordshire, at OXFORD, Aug. 16 at 10.

*John Egan*, Oxford, draper.

at the County Court of Staffordshire, at STAFFORD, Aug. 16 at 11.

*Joseph Malton*, Chesterton, Wolstanton, potter.—*Samuel Morrison*, West Bromwich, farmer.—*John Hodgetts*, Walsall, butcher.

at the County Court of Northamptonshire, at NORTHAMPTON, Aug. 16.

*Wm. Tomkins*, Northampton, boot closer.

at the County Court of Carmarthenshire, at CARMARTHEN, Aug. 17 at 10.

*Thomas Jones*, Carmarthen, grocer.

at the County Court of Bedfordshire, at BEDFORD, Aug. 17 at 11.

*John Smith*, Dunstable, shoemaker.—*Isaac Bell*, Kimbolton, Huntingdonshire, publican.—*Henry Evans*, Woburn, hairdresser.—*James Thompson*, Poddington, farm bailiff.

at the County Court of Kent, at DOVER, Aug. 18 at 11.

*Wm. Ross*, Dover, cutler.—*George Miller*, Osborne-place, Blackheath, manager of the business of a fancy fabric manufacturer.—*Stephen W. Brown*, Regent's-road, Rhodeswell, Stepney, Middlesex, bricklayer.

at the County Court of Glamorganshire, at CARDIFF, Aug. 18.

*David Meredith*, Bridgend, beer retailer.

at the County Court of Lancashire, at MANCHESTER, Aug. 21 at 12.

*Patrick Daley*, Manchester, fishmonger.—*Owen Gormley*, Manchester, innkeeper.—*Enos Roberts*, Hulme, Manchester, joiner.

at the County Court of Gloucestershire, at GLOUCESTER, Aug. 22 at 10.

*Aldwell C. Taylor*, Gloucester, out of business.

#### INSOLVENT DEBTORS' DIVIDENDS.

*John Blain*, Devereil-street, Dover-road, Surrey, draper: the pound.—*Peter J. Kilminster*, Salisbury-cro-town, Middlesex, plasterer: 2s. 2d. in the pound.

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# The Jurist

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AUGUST 12, 1854.

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LONDON, AUGUST 12, 1854.

It has been held by Sir R. T. Kindersley, V. C., in a recent case, all the judges of the Court concurring, that the evidence taken orally before an examiner of the Court of Chancery, must be taken down by him personally, in his own handwriting; that it will not do if it is taken down by another and revised by him, or even at his dictation; it must be by him scribe personally. Such, it is said, is the effect of the 32nd section of the 15 & 16 Vict. c. 86; and we are not going to dispute that such is the construction of the statute; for certainly, when a statute says that an act, being the act of writing, is to be done by A. B., it is most difficult to conceive how the writing of any other person could be a writing by A. B. However, on this point the statute ought to be amended, the result being sometimes inconvenient to an extent quite absurd. We have heard, for instance, of an examiner, and that not one of the regular examiners, who may be supposed to be men

of an age so far mature as to render great manual fatigue oppressive, but a young special examiner, full of fire and energy, being obliged to break up an examination, not because he was mentally tired, nor because the counsel and witnesses were mentally tired, but because literally the examiner's wrist ached with writing, so that he could write no longer.

Now, what is the advantage of the examiner being also, as a matter of course, the scribe? And indeed what is the advantage of prescribing so minutely as the act does, the mode et formâ in which the examiner is to proceed? It must be confessed, the particularity of the directions savour much of the same kind of spirit which recently dictated, from another quarter, the two-inch line of demarcation between the corner of the soldier's mouth, and the boundary line of his whisker.

The great point, to be serious, is, that the evidence should be given and taken down in such a way as to express as far as possible not only what the witness said, but in reference to what, and how he said it. As long as we have separate examiners this can only be done very imperfectly. It is true, that if a series of photographic portraits of the witnesses could be taken at different stages of the examination, and appended to the margin of the depositions, the indignant look at one time, the half-open mouth at another, or the dogged yet vacant expression at another, might indicate the farouche virtue, the guilty terror, or the obdurate and predetermined mendacity of the witness. But as we fear the age is not yet far enough advanced to let the illumination of photographic art penetrate into the

recesses of the apartments in Rolls-yard, the judge and suitors of the Court of Chancery must at present be contented without the benefit of knowing what is called the demeanour of the witness. But there is no reason why they should not know, when he makes a statement, in answer to what precise question he makes it; nor is there any good reason why the witness should always be checked in the flow of his earnestness of statement, in order that he may not go too fast for the unfortunate examiner. There are cases in which it is of the greatest importance that the witness should be allowed to tell his own story with all the energy and rapidity that the sense of truthfulness, and the earnest desire to emit the truth, call forth. There are times when it is equally important that he should be forced on rapidly, that he may not have time to plot and plan and fence. There are, again, occasions when deliberate questions, answered precisely and specifically, have the greatest effect in eliciting the truth; and all these means ought to be at the disposal of the examiner.

We are not writing lightly on this subject; we have thought of it much, and we have, besides watching the various modes of oral examination that are practised under different forms of proceeding, been personally engaged frequently in conducting oral examinations. So that we are speaking, not as mere theoreticians, nor as mere practitioners, but as both, and we say, without hesitation, that the 32nd section of the 15 & 16 Vict. c. 86, is mischievously meddling and minute in details. If we had the task of reforming it on this point, we should recommend it to be as follows:—

“The depositions taken upon any such oral examination as aforesaid shall be taken down in writing, in such form and manner and by such person or persons as the parties shall agree upon; and if the parties disagree, in such form and manner and by such person as the examiner shall direct. And if the parties shall agree upon the employment and selection of a short-hand writer, or the examiner shall direct the employment of a short-hand writer, the payment of such short-hand writer shall be costs in the cause, unless the Court shall otherwise direct.”

We do not cling to our particular form of words, but we do trust that next session, if separate examination of witnesses is continued, the trammels imposed by the 32nd section of the 15 & 16 Vict. c. 86, in the mode of taking it, will be removed, and at any rate that the Legislature will have pity on the wrists and thumbs of examiners, and not compel them to be permanent copying machines.

#### ON THE CORRECTION OF ERRORS IN THE RECORD OF SPECIFICATIONS OF PATENTS.

It was for some time much doubted to what extent the Master of the Rolls had jurisdiction to interfere in the matter of correcting errors in the records of specifications of patents. It is now clear that it is confined to correcting clerical errors, and that it will be very cautiously exercised. The cases down to a recent period are referred to in Mr. Hindmarch's work on Patents, p. 223.

*Rubery's case*, there mentioned, and shortly stated in

*Webb. Pat. Cas.* 649, *notis*, was a case in which the draft specification stated correctly the date of the letters-patent. The copy of the specification, ingrossed for the purpose of being acknowledged, and deposited in the inrolment office by the patentee, was incorrectly made, owing to an error of the ingrossing clerk, and the date of the letters-patent was incorrectly recited. On a petition being presented to the Master of the Rolls, stating these facts and circumstances explaining how the error arose, the following order, reciting the facts, and stating that the Solicitor-General had subscribed the petition, and thereby signified his consent to the prayer thereof on behalf of the Crown, was made: it was ordered that the proper officer do attend his Lordship with the record of the inrolment of the petitioner's aforesaid specification, and that the same be altered and amended by inserting the word “November” in lieu of the word “October” in the recital or introductory part thereof; and it was ordered that a copy of this order be indorsed on the roll on which the said specification is inrolled.

This was in 1841. In July of this year the present Master of the Rolls made, principally on the authority of *Rubery's case*, a similar order in *Dismore's case*. In that case the petition alleged an error on the record of the specification, in the name of the patentee. His name in reality, and as correctly stated in the letters-patent, was “George Dismore,” and he was so designated in the draft specification. It appeared, that by an error of the clerk who ingrossed it, he was designated in the ingrossed copy “Charles Dismore,” and so it was copied on the rolls of Chancery. On a petition presented to the Master of the Rolls to alter this error, an order similar to that in *Rubery's case* was made. It must be recollected, however, that in cases of this kind, the fiat of the Attorney-General or Solicitor-General to the petition must be obtained, and the patent itself must be produced to the Court, to see that the party claiming relief against the error is really the party designated in the letters-patent, and that the record, as existing, is not as it was intended to be by the parties. The distinction between this class of cases and that contemplated by the 5 & 6 Will. 4, c. 83, will be readily appreciated by the reader. The statute refers entirely to allegations of substance—to the remedying of errors of judgment or knowledge of the patentee—as distinguished from the correction of mere clerical errors in copying the actually expressed intention of the patentee. The class of cases which we have noticed relates entirely to the correction of mere clerical errors, and depends on the jurisdiction of the Master of the Rolls over the rolls—not to alter them, but to see that they are correct; for if a specification were drawn, ingrossed, and copied on the rolls according to the intention of the patentee—if, in other words, the roll or record was a correct copy of the thing intended to be lodged for inrolment by the patentee—the Master of the Rolls would then have no jurisdiction to alter the roll. The patentee would have to call in aid the powers of Lord Brougham's Act, under which alone the substantial error of the patentee himself can be cured. The common-law jurisdiction of the Master of the Rolls is strictly confined to the case where the roll is not what it was intended to be by the parties,

and where the fact of its not being so arises from the error or inadvertence of some agent or officer, irrespectively of, or rather contrary to, the intention of the patentee.

### Correspondence.

TO THE EDITOR OF "THE JURIST."

SIR,—Your observations on the case of *Vaughan v. Vanderstegen*, in which you state the decision of Sir R. T. Kindersley, V. C., on the effect of fraud in a married woman on the property over which she has a mere power of appointment by will, do not indicate what your view is of the soundness of that decision. I venture to trouble you on the subject with a few observations, for the purpose of shewing that the decision of the Vice-Chancellor is quite untenable—contrary to all the principles laid down by himself on the subject of separate estate, and the power of a feme covert to contract debts, and not supported by the authority to which he refers as the leading case. To take the last point first. The case of *Savage v. Foster*, (9 Mod. 35), on which the Vice-Chancellor relies, was a case in which the married woman who committed the fraud had, at the time she committed it, an estate of which she was owner, and which she could then have conveyed by apt assurances. The only difficulty which would then have existed would have been, how the Court could compel her, being covert, to join in the necessary assurances. She afterwards became discoverte, and then the Court compelled her to convey—not on the principle that her fraud made that her property which would in no sense have been so without—not on the principle that by fraud she could, being covert, contract a debt, except on her separate estate—but on the broad principle of equity, that if any one commits a fraud, the Court will make him cure it, whenever it can lay hold of him for the purpose. But how does that case apply to *Vaughan v. Vanderstegen*? In the latter case it was determined, and I apprehend soundly determined, by the Vice-Chancellor himself, that a married woman is incapable of debt by contract, except as regards her separate estate; that property over which she has a mere power of appointment by will is in no sense her separate estate, and therefore that her attempted debts do not fasten upon it, as her assets, in the hands of her appointees. If that is a correct view of the law, it goes upon this—that the appointed assets never were and never could be hers—that is, hers in the sense of property. If so, how can her fraud make them her property? It may make her liable if and when the Court can reach her: it may make any property of hers, in respect of which she could have bound herself, her assets, or as her assets. But how can it convert a mere power into property, and enable the Court, not to compel her to do something she was capable of doing, as in *Savage v. Foster*, but to seize as her assets that in respect of which she never could have contracted a debt? A fraud may subject the person to the grasp of the Court, and may enable the Court to force upon him some act over his own property, when, as against the property itself, there might have been no charge or lien. But fraud cannot alter the nature of the *jus proprietatis*; my fraud cannot make that my property, which never was and never could be property in me. I submit very respectfully, for the reasons above given, that the decision in *Vaughan v. Vanderstegen* cannot be supported as to the point made upon fraud, if it is, as I apprehend it is, right on the general doctrine.

R.

### London Gazette.

FRIDAY, AUGUST 4.

#### BANKRUPTS.

CHARLES STAPLES and JOHN COLLYER, Southampton, ship plumbers, glaziers, painters, gilders, dealers and chapmen, Aug. 14 at half-past 12, and Sept. 8 at 11, Court of Bankruptcy, London: Off. Am. Whitmore; Sols. Tippetts & Son, 2, Sise-lane, Bucklersbury, London.—Petition filed July 31.

JAMES HENRY MACKEY, St. Helen's-place, London, merchant, dealer and chapman, Aug. 17 at half-past 1, and Sept. 14 at 12, Court of Bankruptcy, London: Off. Am. Cannan; Sols. Lawrence & Co., 14, Old Jewry-chambers, Old Jewry.—Petition filed Aug. 3.

NATHAN JACOB CALISHER, Norfolk-street, Strand, Middlesex, jeweller, dealer and chapman, Aug. 17 at 1, and Sept. 7 at 11, Court of Bankruptcy, London: Off. Am. Cannan; Sol. Sydney, 46, Finsbury-circus.—Petition filed July 28.

BENEDETTO BERNASCONI, Red Lion-street, Clerkenwell, Middlesex, looking-glass frame manufacturer, dealer and chapman, Aug. 17 at 2, and Sept. 14 at half-past 12, Court of Bankruptcy, London: Off. Am. Cannan; Sol. Roscoe, 14, King-street, Finsbury-square.—Petition filed July 27.

THOMAS BOYDEN and JOSEPH EDWARD MANSFORD, Cullum-street, London, merchants, (trading under the firm of Boyden & Mansford), Aug. 15 at half-past 2, and Sept. 19 at 2, Court of Bankruptcy, London: Off. Am. Lee; Sols. Lawrence & Co., 14, Old Jewry-chambers, London.—Petition filed Aug. 3.

JULIUS CALISHER, Norfolk-street, Strand, Middlesex, jeweller, dealer and chapman, Aug. 15 at half-past 1, and Sept. 19 at 12, Court of Bankruptcy, London: Off. Am. Edwards; Sol. Sydney, 46, Finsbury-circus, London.—Petition filed July 28.

JOHN HOWARD, Norwich, butcher, Aug. 15 at 2, and Sept. 19 at 1, Court of Bankruptcy, London: Off. Am. Lee; Sols. Jay & Pilgrim, Norwich; Jay, 14, Bucklersbury, London.—Petition filed July 25.

JAMES WILSHER ALDRIDGE, Witham, Essex, corn merchant, dealer and chapman, Aug. 15 at 3, and Sept. 19 at 2, Court of Bankruptcy, London: Off. Am. Edwards; Sols. Banks & Stevens, Witham, Essex; Stevens & Satchell, 6, Queen-st., Cheapside, London.—Petition filed July 5.

WILLIAM BULLOCK, Warwick, ironmonger and brasier, Aug. 14 and Sept. 4 at 10, District Court of Bankruptcy, Birmingham: Off. Am. Whitmore; Sols. Nicks, Warwick; Hodgson, Birmingham.—Petition dated July 27.

SAMUEL HAMMOND, Leeds, Yorkshire, flax spinner, dealer and chapman, (carrying on business at Low Fold Mills, Leeds, under the style or firm of George Hammond & Son), Aug. 22 and Sept. 26 at 11, District Court of Bankruptcy, Leeds: Off. Am. Hope; Sols. J. & H. Richardson & Gaunt, Leeds.—Petition dated Aug. 3.

JOHN HOLLAND OATES, Halifax, Yorkshire, painter, gilder, and paperhanger, dealer and chapman, Aug. 21 and Sept. 22 at 11, District Court of Bankruptcy, Leeds: Off. Am. Young; Sols. Wavell & Co., Halifax.—Petition dated July 28.

ROBERT MASON, Manchester, stationer, dealer and chapman, (carrying on business under the style or firm of Thomas Charlton & Co.), Aug. 16 and Sept. 6 at 12, District Court of Bankruptcy, Manchester: Off. Am. Pott; Sols. Atkinsons & Co., Manchester.—Petition filed July 31.

JOHN MILLIGAN, Chorlton-upon-Medlock, Manchester, draper, dealer and chapman, Aug. 15 and Sept. 5 at 12, District Court of Bankruptcy, Manchester: Off. Am. Hennaman; Sols. Cobbett & Wheeler, Manchester.—Petition filed Aug. 3.

#### MEETINGS.

John Plimmer, Britten-street, Chelsea, Middlesex, brewer, Aug. 16 at 12, Court of Bankruptcy, London, pr. d.—*François Edmund Hayman Fowler*, Frederick's-place, Vauxhall-road, Surrey, builder, Aug. 17 at 1, Court of Bankruptcy, London, ch. ass.—*Samuel Walton*, Macclesfield, Cheshire, silk manufacturer, Aug. 14 at 12, District Court of Bankruptcy, Manchester, last ex.—*Alfred Burrows*, Mile-end, near Stockport,

Cheshire, silk manufacturer, Aug. 23 at 12, District Court of Bankruptcy, Manchester, last ex.—*Wm. Bate*, Manchester, baker, Aug. 23 at 12, District Court of Bankruptcy, Manchester, last ex.—*Joseph Bailey Millington*, Marlborough-place, Harrow-road, Paddington, Middlesex, builder, Aug. 17 at 12, Court of Bankruptcy, London, and. ac.—*Charles Pigot*, Wigan, Lancashire, scrivener and miner, Aug. 15 at 12, District Court of Bankruptcy, Manchester, and. ac.—*George Forster*, Liverpool, stockbroker, Aug. 16 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*W. Sharp*, Birkenhead, Cheshire, and Liverpool, merchant, Aug. 16 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*Samuel Boulton and John Swindells*, Greenfield Works, near Holywell, Flintshire, spelter manufacturers, Aug. 17 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*John Crosthwaite*, Liverpool, merchant, Aug. 16 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*Richard Deane*, Liverpool, merchant, Aug. 16 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*Thomas Casson*, Liverpool, coach builder, Aug. 17 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*John Withers*, Oxford, chemist, Aug. 15 at half-past 1, Court of Bankruptcy, London, div.—*John W. Williams and Wm. F. Warbreck*, Liverpool, manufacturing chemists, Aug. 25 at 11, District Court of Bankruptcy, Liverpool, div.—*James Garnett Lockett*, Manchester, merchant, Aug. 29 at 1, District Court of Bankruptcy, Manchester, div.—*John Collins*, Clitheroe, Lancashire, provision dealer, Aug. 29 at 12, District Court of Bankruptcy, Manchester, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Wm. Milton*, Southborough, Tunbridge, Kent, miller, Aug. 26 at 12, Court of Bankruptcy, London.—*Richard Beckett*, Liverpool, carrier, Aug. 28 at 11, District Court of Bankruptcy, Liverpool.—*Henry Clayburn*, Hulme, Manchester, builder, Aug. 29 at 12, District Court of Bankruptcy, Manchester.

*To be granted, unless an Appeal be duly entered.*

*John Wilson*, Barking, Essex, corn dealer.—*Wm. Wright*, Thetford, Norfolk, butcher.—*Joseph Bradstreet*, Pearson-st., Kingsland-road, and Great Cambridge-street, Hackney-road, Middlesex, miller.—*J. Merchant*, Foulmire, Cambridgeshire, grocer.—*Thomas Holland*, Milner-square, Islington, Middlesex, tobacco broker.—*Archibald Vickers*, Disley, Cheshire, cotton spinner.—*Montgomery Gladstone and Joseph Creevy Bond*, Manchester, general brokers.—*Thomas Hind*, Sheffield, Yorkshire, joiner.—*John Holmes and Robert Holmes*, Sheffield, Yorkshire, builders.—*Maurice Jarvis*, Leeds, Yorkshire, woolstapler.

#### PETITION ANNULLED.

*John Williams*, Plymouth, Devonshire, dealer in Berlin wools.

#### PARTNERSHIP DISSOLVED.

*Philip F. Curry and Henry H. Statham*, Liverpool, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*Wm. H. Gratrix*, Glasgow, dyer.—*Wm. G. Johnstone*, Dumfries, bookseller.—*George Mitchell*, Paisley, dyer.—*Lays, Masson, & Co.*, Grandholm Works, near Aberdeen, flax spinners.—*Robert Bennett*, Kelso, cabinet maker.—*John Ross*, Glasgow, marble cutter.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Robert E. Cheeseman*, Brighton, common brewer, Aug. 12 at 10, County Court of Sussex, at Brighton.—*Joseph Painter*, Hanham, Bitton, Gloucestershire, builder, Aug. 31 at half-past 10, County Court of Gloucestershire, at Bristol.—*James Butcher*, Bristol, chemist, Aug. 31 at half-past 10, County Court of Gloucestershire, at Bristol.—*John Fenham*, Soulbury, Buckinghamshire, corn dealer, Aug. 23 at 12, County Court of Bedfordshire, at Leighton Buzzard.—*W. Grantham*, Leighton Buzzard, Bedfordshire, shoemaker, Aug. 23 at 12, County Court of Bedfordshire, at Leighton Buzzard.—*George Headley*, Littleworth, Wing, Buckinghamshire, straw dyer, Aug. 23 at 12, County Court of Bedfordshire, at Leighton Buzzard.—*David James*, Cwmaman, Bettus, Carmarthen-

shire, grocer, Aug. 16 at 11, County Court of Carmarthen-shire, at Llandilo.—*Henry M. Wheeler*, Dean-street, Soho, Middlesex, schoolmaster, Aug. 15 at 3, County Court of Essex, at Saffron Walden.—*Thomas Freestone*, St. Ives, Huntingdonshire, plumber, Aug. 19 at 12, County Court of Huntingdonshire, at Huntingdon.—*Thomas Jamieson*, Salford, Lancashire, saddler, Aug. 21 at 11, County Court of Lancashire, at Blackburn.—*Daniel Gaches*, Ipswich, Suffolk, surgeon-dentist, Aug. 18 at 9, County Court of Suffolk, at Ipswich.—*Wm. Woods*, Wissett, Suffolk, brewer, Aug. 24 at 12, County Court of Suffolk, at Halesworth.—*Robert H. Copping*, Bury St. Edmund's, Suffolk, plumber and glazier, Aug. 28 at 10, County Court of Suffolk, at Bury St. Edmund's.—*The Rev. John Roberts*, Holyhead, Anglesea, clerk, Aug. 18 at 10, County Court of Anglesea, at Llangefni.—*C. Church*, Newport, Monmouthshire, beerhouse keeper, Aug. 16 at 12, County Court of Monmouthshire, at Newport.—*R. S. Gilbert*, Pembury, Kent, superintending constable of the Tunbridge Petty Sessions Division, Aug. 17 at 10, County Court of Kent, at Tunbridge Wells.—*George Rowe*, Scarborough, Yorkshire, tailor, Aug. 9 at 10, County Court of Yorkshire, at Scarborough.—*John Fallowfield*, Leamington Priory, Warwickshire, commission agent, Aug. 21 at 10, County Court of Warwickshire, at Warwick.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

#### Nov. 4 at 10, before the CHIEF COMMISSIONER.

*W. Rail*, St. John's-wood-terrace, St. Marylebone, Middlesex, timber merchant.—*James Marshall*, Canal-terrace, York-road, King's-cross, Middlesex, smith.—*Wm. Rockliffe the elder*, Deptford, Kent, dealer in bread.—*Wm. Savage the younger*, Pleasant-place, Lower Tulse-hill, Brixton, Surrey, whitesmith.—*J. D. Oremmens*, Golden-square, St. James's, Middlesex, surgeon.—*Thomas S. Meadows*, Kingsland-road, Shoreditch, Middlesex, tailor.—*John Brennan*, Great Sutton-street, Clerkenwell, Middlesex, lamp maker.—*W. J. Chowne*, Barclay-street, Somers-town, Middlesex, coach painter.

#### Nov. 6 at 10, before the CHIEF COMMISSIONER.

*James Funge*, Bromley, Middlesex, baker.—*Wm. F. Morris*, Praed-street, Paddington, Middlesex, attorney.—*James Wilkins*, Hayfield-place, Mile-end-road, Middlesex, licensed beer retailer.—*James B. Artis*, Argyle-square, New-road, St. Pancras, Middlesex, draper's assistant.—*Richard Wheaton*, Brecknock-crescent, Camden-town, Middlesex, banker's clerk.—*James Richardson*, George-street, Blackfriars-road, Christchurch, Surrey, coal dealer.—*Henry Collyer*, Church-street, Lower Tooting, Surrey, out of business.

#### Nov. 6 at 11, before Mr. Commissioner PHILLIPS.

*George Norton*, New Church-street, Limon-grove, St. Marylebone, Middlesex, printer.—*Michael Mortlock*, Stafford-place, Vauxhall-bridge-road, Middlesex, shoemaker.—*John Goodall*, Middle-hill, Egham, Surrey, English and Foreign timber dealer.—*Henry Havenden*, Bromley, Middlesex, co-keeper.—*Henry John Scott*, Colebrook-row, Islington, Middlesex, lodging-house keeper.—*John Dumayne*, Englefield-terrace, Beauvoir-town, Kingsland, Middlesex, woollendrapier.—*Charles J. Dillon*, Shepherdess-walk, City-road, Middlesex, comedian.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Berkshire, at READING, Aug. 18 at 10.*

*George Kennet Pollock*, Willows, near Windsor, attorney-at-law.

*At the County Court of Glamorganshire, at CARDIFF, Aug. 18.*

*Wm. C. Barber*, Cardiff, bellhanger.—*David Jones*, Morriston, near Swansea, overman to a Copper Mining Company.

*At the County Court of Suffolk, at IPSWICH, Aug. 18 at 9.*

*Wm. Burch*, Mendlesham, veterinary surgeon.

*At the County Court of Lancashire, at LANCASTER, Aug. 18 at 12.*

*Wm. Jones*, Wigan, druggist.—*John Astley*, Pendleton, Salford, out of business.—*J. Bumbleton*, Manchester, painter.—*John Reynolds*, Manchester, provision-shop keeper.—*John Heyward*, Birkenhead, commission agent.—*Wm. Whitehead*, Butterworth, near Rochdale, out of business.—*Edward R. Paston*, Salford, out of business.—*George Salisbury*, Oxtou, Cheshire, banker's clerk.—*J. Geary*, Longsight, near Manchester, gardener.—*John Holland*, Heaton Norris, out of business.—*Wm. Bowles*, Burnley, out of business.—*Thomas Parkinson*, Marsden, manufacturing chemist.—*H. Stevens*, Salford, out of business.—*John Farrell*, Manchester, baker.—*Ralph Horne* the younger, Heaton Norris, near Manchester, twine manufacturer.—*Wm. Tisher*, Royton, near Oldham, cotton waste dealer.—*Thomas Robinson*, Bentley Wood Green, near Padibam, block printer.—*Thomas Lancaster*, Liverpool, assistant to a publican.—*Patrick Gormly*, Liverpool, ship broker.—*Thomas Higham*, Manchester, out of business.—*N. Lookey*, Blackburn, bookseller.—*Wm. Hayes*, Manchester, out of business.—*Joseph Redish*, Liverpool, merchant.—*R. Bradley*, Blackburn, provision dealer.—*Edward Cavanah*, Manchester, plasterer.—*C. Newsome*, Rochdale, joiner.—*J. Dickinson*, Manchester, retail dealer in ale.—*John Ramsbottom*, Accrington, manufacturer.—*George Purdy*, Liverpool, out of business.—*Thomas Moss*, Preston, tailor.—*William Hindley*, Manchester, retail dealer in ale.—*John Bate*, Manchester, out of business.—*Samuel Robinson*, Hulme, Manchester, out of business.—*John Jackson*, Salford, joiner.—*Joseph Harrop*, Manchester, cart owner.—*Daniel Small*, Liverpool, hawker.—*Matthew Jackson*, Manchester, out of business.—*Edward Whiteley*, Ashton-under-Lyne, grocer.—*Robert Fletcher*, Manchester, out of business.—*Peter Jackson*, Manchester, milk seller.—*James Nuttall* the elder, Hal-lwell, near Bolton-le-Moors, out of business.—*Robt. Nicolls*, Whitehead, Manchester, commercial traveller.—*Wm. Piercy Westley*, Liverpool, clerk in her Majesty's Customs.—*Edward Sharples*, Burnley, grocer.—*Wm. Henry Gaskell*, Salford, out of business.—*James Taylor*, Lancaster, out of business.—*Thomas Armstrong*, Salford, hat manufacturer.—*John Ashworth*, Heaton Norris, near Manchester, out of business.—*John Bell*, Liverpool, master mariner.—*J. Ferr*, Manchester, joiner.—*James Broad*, Preston, pig dealer.—*Richard Robinson*, Manchester, out of business.—*Richard Ellis*, Ashton-under-Lyne, out of business.—*G. Erasmus Brown*, Salford, joiner.—*Thos. Hanesworth*, Bolton-le-Moors, dealer in hats.—*Richard Shaw*, Preston, beerseller.—*Wm. Mellor*, Blackburn, tailor.—*Wm. Austin*, Manchester, brush manufacturer.—*I. Housley*, Staleybridge, near Ashton-under-Lyne, spring maker.—*John Dongworth Kirk*, Rochdale, out of business.—*Wm. Barrett*, Bury, coachbuilder.—*Wm. Whiteley*, Colne, out of business.—*Wm. Wildman*, Skerton, near Lancaster, out of business.

*At the County Court of Warwickshire, at WARWICK, Aug. 21 at 10.*

*Geo. Cherman*, Redditch, Worcestershire, out of business.

*At the County Court of Lancashire, at MANCHESTER, Aug. 21 at 12.*

*John Daniels Varley*, Stretford, estate agent.

*At the County Court of Shropshire, at SHREWSBURY, Aug. 22 at 10.*

*Edw. Hughes*, Shrewsbury, attorney-at-law.—*J. Griffiths*, Shrewsbury, out of business.

*At the County Court of Westmoreland, at APPLEYBY, Aug. 23 at 10.*

*John Heavyside*, Kendal, out of business.

*At the County Court of Gloucestershire, at GLOUCESTER, Aug. 22 at 10.*

*James Glynn*, Bishton, Tidenham, gardener.—*Philip Hopkins*, Gloucester, hatter.—*Martha Taylor*, Cheltenham, out of business.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Wm. M. R. Price*, Orange-st., Red Lion-square, Middlesex, clerical tailor: 3s. 1d. in the pound.—*William Rowe*, Plymouth, Devonshire, out of business: 11d. in the pound.—*Thos. Grimstitt*, Coventry, Warwickshire, maltster: 3s. 3½d. in the pound.—*John Henry Francis*, St. Helen's, Lancashire,

tailor: 1s. 3½d. in the pound.—*Frederick Nicholson*, Cherterton, Cambridgeshire, gentleman: 6½d. in the pound.—*Wm. Gillean Lang*, De Beauvoir-grove, Kingland, Middlesex, merchant's clerk: 3s. 2d. in the pound.—*Joshua Kidd*, Lower Wike, near Halifax, Yorkshire, worsted spinner: 6d. in the pound.—*James Kettle*, Tynemouth, Northumberland, tailor: 7½d. in the pound.—*William Hunt*, Aston Flamville, Leicestershire, chemist: 6½d. in the pound.—*Roger Marsh*, Preston, Lancashire, provision dealer: 8s. 7d. in the pound.—*Charles Eastwood*, Manchester, fruiterer: 3s. 1½d. in the pound.—*Thos. Besson*, Manchester, flour factor: 2s. 3½d. in the pound.

*Apply at the Provisional Assignees' Office, Portugal-street, Lincoln's-inn-fields, London, between the hours of 11 and 3.*

*Watson Forks*, Brigstocke, near Thrapston, Northamptonshire, farmer, Aug. 17, at York's, solicitor, Oundle: 7d. in the pound.

#### TUESDAY, AUGUST 8.

##### BANKRUPTS.

**WILLIAM ROBERT NIELD** and **WILLIAM HENRY HUGH COLLANDER**, Cannon-street, London, shawl warehousemen, dealers and chapmen, Aug. 21 at half-past 2, and Sept. 25 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Reed, 4, Elgin-chambers, 10, Ironmonger-lane, London.—Petition filed July 10.

**CHARLES WILLIAM NORMAN**, Shoreditch, Middlesex, tailors' trimming seller and haberdasher, dealer and chapman, Aug. 19 and Sept. 19 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Reed, 4, Elgin-chambers, 10, Ironmonger-lane, London.—Petition filed July 27.

**HENRY TURTLE**, Mount Etna-place, Mile-end-road, Middlesex, cheesemonger, dealer and chapman, Aug. 19 and Sept. 19 at half-past 2, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Ashurst & Co., 6, Old Jewry, London.—Petition filed July 27.

**HENRY TAYLOR**, Newbury, Berkshire, grocer, druggist, and tallow chandler, Aug. 14 at 11, and Sept. 21 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Graham & Lyde, Mitre-court-chambers, Temple.—Petition filed July 31.

**JAMES BISHOP**, Southampton, boot and shoe maker, Aug. 18 at 12, and Sept. 22 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Miller & Son, Norwich; Sole & Co., 68, Aldermanbury.—Petition filed July 27.

**HENRY COPPINGER**, Hawkhurst, Kent, tailor, Aug. 17 at half-past 12, and Sept. 22 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Thomson & Son, 9, George-street, Minories.—Petition filed July 27.

**EDWARD DAVIES**, Harrow-road, Paddington, and Park-terrace, Regent's-park, Middlesex, oil and colour man, Aug. 17 at half-past 11, and Sept. 22 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Carpenter, 3, Elm-court, Temple.—Petition filed Aug. 4.

**THOMAS JOHN HOLLOWAY**, Salisbury, Wiltshire, rope and twine manufacturer, Aug. 18 at half-past 12, and Sept. 22 at 1, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Wyatt, 4, Verulam-buildings, Gray's-inn.—Petition filed Aug. 8.

**THOMAS KIMPTON**, Liverpool, carrier, dealer and chapman, Aug. 17 and Sept. 14 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Fenwick & Aspinall, Liverpool.—Petition filed July 24.

**WILLIAM ARMSTRONG** and **WILLIAM OLDROYD HANKEY**, Shrewsbury, Shropshire, tailors and drapers, Aug. 18 at 12, and Sept. 14 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Loxdale & Peale, Shrewsbury; Motteram & Knight, Birmingham.—Petition dated July 28.

**GEORGE HENRY FOURDRINER**, Shelton, Stoke-upon-Trent, Staffordshire, paper manufacturer and dealer, Aug. 18 at 12, and Sept. 14 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Kerry & Sheppard, Stoke-upon-Trent; E. & H. Wright, Birmingham.—Petition dated Aug. 5.

**WILLIAM HOOPER**, Bristol, cabinet maker, dealer and chapman, Aug. 21 and Sept. 19 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Bevan & Girling, Bristol.—Petition filed July 31.

**THOMAS BELSHAM HUTTON**, Birmingham, wine and spirit merchant, dealer in fancy goods, and commission agent, dealer and chapman, Aug. 18 at 12, and Sept. 14 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Greves, Birmingham.—Petition dated Aug. 5.

**GEORGE EDWARDS**, Newport, Monmouthshire, grocer and provision dealer, Aug. 21 and Sept. 19 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Cardlake, Bridgewater; Castle & Co., Bristol.—Petition filed Aug. 3.

**STEPHEN TROTMAN**, Chipping Sodbury, Gloucestershire, corn dealer, mealman, baker, beer retailer, dealer and chapman, Aug. 19 and Sept. 19 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Trenfield, Chipping Sodbury, Gloucestershire.—Petition filed July 28.

**GEORGE HINGESTON**, Lyme Regis, Dorsetshire, money scrivener, dealer and chapman, Aug. 16 and Sept. 14 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Stogdon, Exeter.—Petition filed Aug. 7.

**JOHN SUGDEN** and **GEORGE WEBSTER**, Bradford, Yorkshire, woolstaplers, dealers and chapmen, Aug. 22 and Sept. 18 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Lees, Bradford; Bond & Barwick, Leeds.—Petition dated Aug. 28.

**GEORGE JEEVES**, Sheffield, Yorkshire, brush manufacturer, (carrying on business at Sheffield and Manchester, under the firm of George Jeeves & Sons), Aug. 19 and Sept. 23 at 10, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sols. Smith & Son, Sheffield.—Petition dated Aug. 5.

#### MEETING.

*John Winder*, Little May's-buildings, Bedfordbury, Middlesex, tobacconist, Aug. 31 at half-past 1, Court of Bankruptcy, London, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Charles Thomas Laycock*, Brighton, Suffolk, perfumer, Aug. 31 at 2, Court of Bankruptcy, London.—*Edw. Skallis*, Bedford-place, Commercial-road East, and Salmon's-lane, Limehouse, Middlesex, grocer, Aug. 30 at half-past 12, Court of Bankruptcy, London.—*Alfred Ford*, Lowndes-street, Belgrave-square, Middlesex, surgeon, Aug. 30 at 12, Court of Bankruptcy, London.—*Joseph Lakin*, Crawford-street, St. Marylebone, Middlesex, linendraper, Aug. 29 at 12, Court of Bankruptcy, London.—*Hugh Berkeley*, Liverpool, commission agent, Aug. 30 at 10, District Court of Bankruptcy, Liverpool.—*John Hadfield*, Dukinfield, Cheshire, grocer, Sept. 6 at 12, District Court of Bankruptcy, Manchester.—*Henry Pease Baldwin*, Ironbridge, Shropshire, druggist, Sept. 28 at 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*Samuel Luke Pratt*, New Bond-street, Middlesex, upholsterer.—*Joseph Jenkinson Wells*, Coventry, Warwickshire, haberdasher.—*Thomas Hoy Burton*, Winchester, Hampshire, cowkeeper.—*Thomas Norbury* and *Richard Bindloss*, Manchester, silk manufacturers.—*Edward Coultate* and *Thomas Swindelle*, Manchester, brokers.—*Edward Paterson*, Preston, Lancashire, draper.—*Joshua Wormald*, Glossop, Derbyshire, shoemaker.

#### SCOTCH SEQUESTRATIONS.

*T. M. Dickson & Co.*, Glasgow, merchants.—*A. Purvis*, Milngavie, Stirlingshire, contractor.—*John Cooper*, Old Monkland, Lanarkshire, grocer.—*Paul Cameron*, Glasgow, wright.—*William Squair*, Cantray Mills by Ardsier, miller.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*William Collier Thomas Sheridan*, Ryde, Isle of Wight, Southampton, out of business, Aug. 31 at 10, County Court of Hampshire, at Newport.—*Robert Islop* the younger, Stamford, Lincolnshire, merchant, Aug. 21 at 11, County Court of Lincolnshire, at Stamford.—*Daniel Swift*, Barnack, Northamptonshire, butcher, Aug. 21 at 11, County Court of Lincolnshire, at Stamford.—*Julius Lyons*, Ryde, Isle of Wight, Southampton, baker, Aug. 31 at 10, County Court of Hamp-

shire, at Newport.—*Edward Mead*, Othery, Somersetshire, carpenter, Aug. 24 at 10, County Court of Somersetshire, at Bridgewater.—*Booth Hodgson*, Cropfield, Halifax, Yorkshire, cabinet maker, Aug. 25 at 10, County Court of Yorkshire, at Halifax.—*Casper Inbery*, Halifax, Yorkshire, clock maker, Aug. 25 at 10, County Court of Yorkshire, at Halifax.—*Jos. Waterhouse*, Halifax, Yorkshire, cabinet maker, Aug. 25 at 10, County Court of Yorkshire, at Halifax.—*Thos. Smith*, Clogg Nook, Mytholm Royd, Halifax, Yorkshire, shopkeeper, Aug. 25 at 10, County Court of Yorkshire, at Halifax.—*Wm. Tabbé*, Woodhouse, near Leeds, Yorkshire, mason, Aug. 25 at 10, County Court of Yorkshire, at Halifax.—*Ja. Gee*, Birmingham, labourer, Aug. 19 at 10, County Court of Warwickshire, at Birmingham.—*Charlotte Eades*, widow, Birmingham, licensed to retail ale, Aug. 19 at 10, County Court of Warwickshire, at Birmingham.—*James Varcoe*, Birmingham, tailor, Aug. 19 at 10, County Court of Warwickshire, at Birmingham.—*George Lyndon*, Birmingham, ironmonger, Aug. 19 at 10, County Court of Warwickshire, at Birmingham.—*John Gibbins*, Birmingham, carpenter, Aug. 19 at 10, County Court of Warwickshire, at Birmingham.—*Jas. Jackson* the elder, Birmingham, builder, Aug. 19 at 10, County Court of Warwickshire, at Birmingham.—*Thos. Britton*, Birmingham, glass blower, Aug. 19 at 10, County Court of Warwickshire, at Birmingham.—*Wm. Goode*, Haslingfield, Cambridgeshire, bricklayer, Aug. 21 at 10, County Court of Cambridgeshire, at Cambridge.—*Thomas Aris*, Cambridge, boot closer, Aug. 21 at 10, County Court of Cambridgeshire, at Cambridge.—*Joseph Teague*, Lantwit Low, Glamorganshire, beer-house keeper, Aug. 12 at 10, County Court of Glamorganshire, at Neath.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Nov. 8 at 10, before the CHIEF COMMISSIONER.*

*John Nash*, George-street, Blackfriars-road, Surrey, tool-handle maker.—*Eliza Minto*, Grove-place, Euston-square, Middlesex, stewards of the refreshment department of the University College, Gower-street.—*Joseph Postell*, Kent-st., St. George the Martyr, Southwark, Surrey, baker.—*Thos. Parmenter*, Highgate-rise, Kentish-town, Middlesex, nurseryman.—*Abraham Van Cressell*, Duke-street, Aldgate, London, butcher.—*George Gurr*, Westbourne-gardens, Westbourne-grove West, Bayswater, Middlesex, cab driver.

*Nov. 8 at 10, before Mr. Commissioner MURPHY.*

*William Hall*, Railway-cottages, Upper Sydenham, near Forest-hill Station, Kent, carpenter.—*Francis S. Mow*, Upper Charles-st., Northampton-square, Clerkenwell, Middlesex, bookbinder.—*Edwin Chas. Smallman*, Oakley-street, Lambeth, Surrey, medical student.—*Samuel Cornwell*, Great George-street, Bermondsey, Surrey, carpenter.—*Thos. Reid*, Aldersgate-street-buildings, London, porter.—*Burick Joseph Winbolt*, St. John-street-road, Clerkenwell, Middlesex, general stationer.—*William Lambert Kelly*, Albert-road, North Woolwich, Kent, baker.—*Jas. Taylor*, George-street, Deptford New-town, Kent, carpenter.—*William Henry Knowles*, King-street, Borough, Southwark, Surrey, tailor.

*Nov. 8 at 11, before Mr. Commissioner PHILLIPS.*

*Sarah Blake*, Eaton-place, Eaton-square, Middlesex, housemaid.—*J. Everset*, Coleman-street, New North-road, Islington, Middlesex, commercial traveller.—*Fred. Archer Stone*, High-street, Southwark, Surrey, grocer.—*Charles H. Kelly*, Barbican, London, grocer.—*John Bailey*, St. John's-road, Hoxton, Middlesex, butcher.—*Philip Marten*, Enfield, Middlesex, licensed beer retailer.—*Wm. David Tophouse*, Great Guildford-street, Southwark, Surrey, engineer.—*John Long*, High-street, St. Giles-in-the-Fields, Middlesex, beer retailer.—*Theophilus Leaky*, York-terrace, Chelsea, Middlesex, wood carver.

*Nov. 15 at 11, before Mr. Commissioner MURPHY.*

*George Shrimpton*, Canterbury-road, Bell's-pond, Islington, Middlesex, commercial traveller.—*Henry Hart*, Duke-street, Aldgate, London, gasfitter.—*Joseph Wm. Key*, Parr-street, Hoxton New-town, Middlesex, out of business.—*T. Browning*, Sussex-street, Tottenham-court-road, Middlesex,

out of business.—*B. Thornton*, Liverpool-street, Broad-street, Finsbury, Middlesex, dispenser of medicine.—*H. Bridgman*, Waltham Abbey, Essex, baker.—*Chas. T. Briant*, Havering-street, Commercial-road East, Middlesex, clerk in the East Wood-wharf, East and West India Docks, Blackwall.—*Chas. Hood*, Sussex-place, Old Kent-road, Surrey, carver.

*Saturday, Aug. 5.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*F. Henderson*, Pleasant-row, Shacklewell-green, Shacklewell, Middlesex, surgeon-dentist, No. 64,537 T.; *George Gilbert Reeves*, assignee.—*John Calder*, South Shields, Durham, shoemaker, No. 78,282 C.; *Donald Cameron* and *Abraham Bamberger*, assignees.—*James Allen*, Heaton Norris, near Manchester, out of business, No. 78,307 C.; *Joseph Wilson Owen*, assignee.—*Frederick Page*, Brighton, Sussex, plasterer, No. 78,324 C.; *Christopher Cheesman Martin*, assignee.—*Daniel Spencer Willins*, Gloucester, general dealer, No. 78,340 C.; *Thomas Nicholson*, assignee.—*John Best*, Ipswich, Suffolk, barrister-at-law, No. 78,384 C.; *Meyer Nathan*, assignee.—*John Jones*, Gifford-cottage, Whitmore-road, Hoxton, Middlesex, builder, No. 63,803 T.; *John M. Douglas*, assignee.—*Francis Tomkins*, Orchard-street, Poplar New-town, Middlesex, out of business, No. 64,461 T.; *Wm. Wright*, assignee.—*Peter Wighton*, Coventry-street, Haymarket, Middlesex, baker, No. 64,464 T.; *Henry Hutton*, assignee.—*H. Bell*, Sadberge, Durham, grocer, No. 78,259 C.; *Joseph Snath Wooler*, assignee.—*Thos. Gould*, Gravesend, Kent, licensed victualler, No. 78,304 C.; *Henry Pack Woodford*, assignee.

*Saturday, Aug. 5.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Wm. Thomas Haines*, Gloucester-crescent, Regent's Park, Middlesex, clerk in the Money Order Office, General Post Office: in the Debtors Prison for London and Middlesex.—*Phineas Joseph Lars*, Warwick-place, Kingsland-road, Middlesex, house agent: in the Debtors Prison for London and Middlesex.—*Wm. Payton*, Westbourne-gardens, Kensington, Middlesex, in no business: in the Debtors Prison for London and Middlesex.—*Geo. Biggs*, Drayton-villas, Uxbridge-road, Middlesex, carpenter: in the Debtors Prison for London and Middlesex.—*John Glascock*, Harlow, Essex, miller: in the Debtors Prison for London and Middlesex.—*Stephen Fleming*, Storey-st., Caledonian-rd., Middlesex, carman: in the Debtors Prison for London and Middlesex.—*T. Smith the elder*, Grange-road, Bermondsey, Surrey, out of business: in the Queen's Prison.—*Nicholas Lye*, Lime-street, London, tailor: in the Queen's Prison.—*George Kerwing*, Morland-place, Howard-row, Hornsey, Middlesex, clerk to a wholesale perfumer: in the Debtors Prison for London and Middlesex.—*W. Tucker*, Exeter, Devonshire, out of business: in the Gaol of Exeter.—*John Armitage*, Holm Banks, near Holmfirth, Yorkshire, woollen cloth manufacturer: in the Gaol of York.—*Edward Sharples*, Burnley, Lancashire, grocer: in the Gaol of Lancaster.—*Thos. Dugelby*, Little Bolton-le-Moors, Lancashire, beer-seller: in the Gaol of Lancaster.—*Robert Redman*, Liverpool, out of business: in the Gaol of Lancaster.—*Robert Ferguson*, Liverpool, plumber: in the Gaol of Lancaster.—*R. Robinson*, Manchester, out of business: in the Gaol of Lancaster.—*John Bell*, Liverpool, master mariner: in the Gaol of Lancaster.—*John D. Kirk*, Haugh, near Rochdale, Lancashire, out of business: in the Gaol of Lancaster.—*J. Lord*, Ashton-under-Lyne, Lancashire, labourer: in the Gaol of Lancaster.—*John Crook*, Tong-with-Houlgh, near Bolton-le-Moors, Lancashire, debt collector: in the Gaol of Lancaster.—*John Smith*, Dunstable, Bedfordshire, shoemaker: in the Gaol of Bedford.—*Richard Hicks*, Ottery St. Mary, Devonshire, labourer: in the Gaol of St. Thomas-the-Apostle.—*Wm. Austin*, Manchester, brush manufacturer: in the Gaol of Lancaster.—*David Gregory*, Cheltenham, Gloucestershire, out of business: in the Gaol of Gloucester.—*John Griffiths*, Shrewsbury, Shropshire, in no business: in the Gaol of Shrewsbury.—*Thomas Spooner*, Claines, near Worcester, out of business: in the Gaol of Worcester.—*Wm. Swales*, Bradford, Yorkshire, out of business: in the Gaol of York.—*T.*

*Waddilove*, Little Horton, near Bradford, Yorkshire, out of business: in the Gaol of York.—*James Beane*, Tenewydd Lodge, Llanrhytan, Pembrokeshire, in no business: in the Gaol of Haverfordwest.—*Robt. E. Thorley*, Bristol, beer retailer: in the Gaol of Bristol.—*Abraham Chamberlain*, Stonegate, Yorkshire, out of business: in the Gaol of York.—*J. Hudson*, Guiseley Green Bottom, near Leeds, Yorkshire, weaver: in the Gaol of York.—*Henry Lockwood*, Guiseley Green Bottom, near Leeds, Yorkshire, weaver: in the Gaol of York.—*George Demains*, Ilkley, Yorkshire, tailor: in the Gaol of York.—*John Fox*, Leeds, Yorkshire, joiner: in the Gaol of York.—*James Purdon*, Leeds, Yorkshire, bricklayer: in the Gaol of York.—*Wm. H. Foster*, Halifax, Yorkshire, out of business: in the Gaol of York.—*L. Holland*, Halmes, Manchester, stonemason: in the Gaol of Manchester.—*E. Hughes*, Shrewsbury, Shropshire, attorney-at-law: in the Gaol of Shrewsbury.—*Joseph Sowry*, Bradford, Yorkshire, grocer: in the Gaol of York.—*John Dawson*, Wakefield, Yorkshire, chemist: in the Gaol of York.—*John Armitage*, Wisbeach, Cambridgeshire, corn porter: in the Gaol of Lincoln.—*Wm. Pate*, Spalding, Lincolnshire, out of employment: in the Gaol of Lincoln.—*Joseph Brand*, North Shields, Tyne-mouth, Northumberland, builder: in the Gaol of Morpeth.—*Wm. Heggatt*, Haselbury, Plucknett, near Crowkerne, Somersetshire, baker: in the Gaol of Wilton.—*Walter Misen*, Clevedon, Somersetshire, mason: in the Gaol of Wilton.—*J. Gluchrist*, York, out of business: in the Gaol of York.—*R. Milnes*, Huddersfield, Yorkshire, woollen merchant: in the Gaol of York.—*George N. Tootal*, Leeds, Yorkshire, share-broker: in the Gaol of York.—*John Ford*, Liverpool, builder: in the Gaol of Lancaster.—*Edmund Taylor*, Rochdale, Lancashire, cotton waste spinner: in the Gaol of Lancaster.—*J. Scott*, Blackburn, Lancashire, retail dealer in ale: in the Gaol of Lancaster.—*Wm. Sharp*, Manchester, stuff merchant: in the Gaol of Lancaster.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Cambridgeshire, at CAMBRIDGE, Aug. 21 at 10.*

*John Millard*, Cambridge, out of business.

*At the County Court of Devonshire, at EXETER, Aug. 22 at 10.*

*Thos. Skinner*, Poughill, farmer.—*Edwin Shooter*, Exeter, carver.—*John W. H. Blatchford*, Plymouth, innkeeper.—*W. T. Long*, Tiverton, chemist.—*William Tucker*, Exeter, out of business.

*At the County Court of Gloucestershire, at GLOUCESTER, Aug. 22 at 10.*

*David Gregory*, Cheltenham, out of business.

*At the County Court of Westmorland, at AFFLEBY, Aug. 23.*

*John Peet*, Clifton, labourer.

*At the County Court of Herefordshire, at HEMMERSD, Aug. 24 at 10.*

*Wm. Jarvis*, Ross, town clerk.

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# The Jurist

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LONDON, AUGUST 19, 1854.

THE question of literary property in foreigners has been completely, and we presume finally, decided by the House of Lords in the case of *Jefferys v. Boosey*.\*

The facts were briefly these:—Bellini (who was an alien) composed the opera "La Sonnambula" at Milan, and by the law of that place was entitled to copyright in his composition, and to assign it. At the time of composing, and up to the time of the first publication, he resided at Milan. He assigned the copyright of the opera to Ricordi, who came to England, and there assigned it to Boosey for publication in the United Kingdom. Boosey was a British subject resident in England, and he first published the opera in London in 1831, which was the first publication either within or without the British dominions. He brought his action against Jefferys for infringing his copyright; and at the trial, before Rolfe, B., in 1850, the judge directed the jury that the evidence was not sufficient to entitle the plaintiff to a verdict. A bill of exceptions was tendered to this ruling, and thereupon a writ of error was brought

to the Court of Exchequer Chamber. That Court (Lord Campbell, C. J., and Patteson, Maule, Wightman, Cresswell, Erle, and Williams, J.J.) unanimously held that the ruling of Rolfe, B., was wrong, and awarded a venire de novo. A writ of error was brought upon this judgment to the House of Lords, and at the conclusion of the arguments this question was put to the judges, who had been summoned to attend—whether a foreign author resident abroad could lawfully assign to a British subject copyright in an unpublished work? Coleridge, Maule, Wightman, Erle, Williams, and Crompton, J.J., delivered their answer in the affirmative—Jervis, C.J., Pollock, C. B., Parke, B., and Alderson, B., in the negative. The House of Lords (the Lord Chancellor, Lord Brougham, and Lord St. Leonards) agreed with the minority of the judges, and reversed the judgment of the Court of Exchequer Chamber. Before we examine the grounds on which the noble Lords rested their decision, we propose to shew the state of the law on this subject according to the previous authorities; although, as was observed by Alderson, B., it is wonderful how little of authority there was to guide the Court. With regard to one branch of the question, whether copyright existed at common law, there had been a conflict of opinion in the celebrated case of *Miller v. Taylor*, (4 Burr. 2303); Lord Mansfield, C. J., and Willes and Aston, J.J., being in favour of the common-law right—Yates, J., being opposed to it. As to the other branch, whether a copyright existed in foreigners resident abroad, Vice-Chancellor Shadwell in *Delondre v. Shaw* (2 Sim. 240) stated extra-judicially that the Court of Chancery does not interfere to protect the copyright of a foreigner; and shortly afterwards he held, ("what indeed could hardly have been doubted," per the Lord Chancellor in

\* August 1, 1854.

*Jefferys v. Boosey*), that engravings designed and etched abroad, though first published here, were not entitled to the protection of our statutes. (*Page v. Townsend*, 5 Sim. 404). Then came *D'Almaine v. Boosey*, (1 Y. & C. 288), in which Lord Abinger granted an injunction in favour of a foreign composer. Afterwards Vice-Chancellor Shadwell expressed his opinion to be in favour of the foreigner's copyright, but would not decide the point without a previous trial at law. (*Bentley v. Foster*, 10 Sim. 330; and see *Chappell v. Purday*, 4 Y. & C. 485). In *Clementi v. Walker*, (2 B. & Cr. 861), Bayley, J., said that the statute of Anne was made with a view to British interests and the advancement of British learning, and that without "very clear words shewing an intention to extend the privilege to foreign works, it must be confined to books printed within this kingdom." Since that time the question has been brought before all the common-law Courts, and their judgments have been conflicting. The Court of Queen's Bench and the Court of Common Pleas decided in favour of the foreigner's right. (*Boosey v. Davidson*, 13 Q. B. 287; *Cocks v. Purday*, 5 C. B. 882). The Court of Exchequer held that the statutes did not extend to foreigners. (*Chappell v. Purday*, 14 M. & W. 303; *Boosey v. Purday*, 4 Exch. 145).

This *terque quaterque vexata quæstio* has at length been set at rest, and the important judgment of the law Lords, achieving so desirable a result, may be thus stated in condensed terms:—

Copyright is the exclusive right of multiplying copies of a work already published, and is the creature of statute law, or, at all events, is entirely regulated by it. The object of the first and principal statute, (8 Ann. c. 19), as expressed by its preamble, was "the encouragement of learned men to compose and write useful books;" and with a view to its attainment it is enacted, that "the author" of any book shall have the sole liberty of printing it for the term of fourteen years. The statute refers to British authors only. *Prima facie* the Legislature must be taken to have made laws for its own subjects exclusively, more especially where an exclusive privilege is given to a particular class at the expense of the rest of the nation. The subjects, however, thus legislated for include all persons who are within the Queen's dominions, and who thus owe to her a temporary allegiance, as well as British subjects who are abroad. A foreigner, therefore, coming to this country, and publishing his works here, will be entitled to protection, though he comes only for the purpose of publishing such work\*. Copyright commences at the instant of publication, and if at that time the foreigner is not in this country he is not protected. As he is unable to confer a right which he does not possess, he cannot under such circumstances assign his copyright so as to give a valid title in this

country. Copyright is not to be confounded with the right to publish or to abstain from publishing a work not yet published at all; the common law gives a man who has composed a work a right to that composition, just as he has a right to any other part of his personal property; but the question of the right of excluding all the world from copying that composition after it has been published to the world is a very different one. In answer to the argument, (used by way of *reductio ad absurdum*) that a foreigner, having composed a work at Calais, gains a British copyright if he crosses to Dover and there first publishes it, whereas he would have no copyright if he should send it to an agent to publish for him, the Lord Chancellor said—"It is only one among the thousand instances that happen not only in law, but in all the daily occurrences of life, that whenever it is necessary to draw a line, cases bordering closely on either side of it are so near to each other that it is difficult to imagine them as belonging to separate classes; and yet our reason tells us that they are as completely distinct as if they were immeasurably removed from each other. The second which precedes midday is as completely distinct from that which follows it as the events which happened a hundred years ago are from those which are to occur in the next century."

Lord Brougham and Lord St. Leonards expressed very strong opinions that copyright does not exist at common law; and Lord St. Leonards laid down two propositions which were not alluded to by the other Lords, namely, that there is no copyright in works printed abroad and published here, but that they must be both printed and published in this country; and that copyright is an indivisible right; it may be transferred, but not divided; hence a partial assignment, e. g. for the United Kingdom, is void, but this is not to be confounded with a mere license. The same noble and learned Lord also expressed an opinion, that an assignment of copyright, wherever made, will not be valid in England unless it is in writing, and attested by two witnesses. Lord Brougham inclined to the opinion that the attestation of two witnesses is dispensed with by stat. 54 Geo. 3, c. 156.

The consequences of the decision which we have been considering are very important. On the one hand, it will work serious loss to those who have purchased foreign copyrights on the faith of what was generally supposed to be the law upon the subject; on the other, it will probably point out to the Americans the expediency of respecting British copyright for the purpose of maintaining their own. The American Legislature have expressly enacted that copyright there shall be confined to natives or persons resident within the United States. They may now seek, under the International Copyright Act, 7 Vict. c. 12, to avail themselves of a protection which they have long denied to others, and which they can receive only by giving it in their turn to the authors of this country.

\* This was so stated by the Lord Chancellor, and not dissented from by the other Lords; but Lord St. Leonards said, "I will not take upon myself to state any opinion to your Lordships as to what would be a sufficient residence; but I will say this, that whatever would constitute a man a resident here, so as to make him subject, in point of allegiance, to the country whilst he was here, and would give to him the common rights to which every foreigner coming to this country is entitled, would be a residence which would give him a copyright here if he published here."

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed Charles Bayly, of Torquay, Devonshire, Gent., to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county of Devon.

**PUBLIC GENERAL STATUTES.**  
17 & 18 VICTORIA.—SESSION 2.

**CAP. I.**

An Act to explain and amend an Act of the last Session relating to the Duties of Assessed Taxes; and to authorise Justices of the Peace in Ireland to administer Oaths required in Matters relating to Income-tax. [17th February, 1854.]

**CAP. II.**

An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year 1854. [23rd March, 1854.]

**CAP. III.**

An Act for raising the Sum of One Million Seven Hundred and Fifty Thousand Pounds by Exchequer Bills, for the Service of the Year 1854. [23rd March, 1854.]

**CAP. IV.**

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. [23rd March, 1854.]

**CAP. V.**

An Act to admit Foreign Ships to the Coasting Trade. [23rd March, 1854.]

Sect. 1. Repeal of the recited enactments. The Queen enabled to exercise retaliatory powers, as in the 16 & 17 Vict. c. 107, ss. 324, 325, 326.

2. Foreign ships in the coasting trade to be subject to the same rules as British ships.

3. Foreign ships employed in the coasting trade not to be subject to higher rates than British ships.

4. Foreign steam-vessels carrying passengers coastwise to be subject to the provisions of the 14 & 15 Vict. c. 79.

**CAP. VI.**

An Act for the Regulation of her Majesty's Royal Marine Forces while on Shore. [23rd March, 1854.]

**CAP. VII.**

An Act for extending the Time limited for putting into Execution the Act of the 14 & 15 Vict., for the better Management and Control of Highways in South Wales. [12th May, 1854.]

**CAP. VIII.**

An Act further to amend an Act relating to the Valuation of rateable Property in Ireland. [12th May, 1854.]

**CAP. IX.**

An Act to authorise the Inclosure of certain Lands, in pursuance of a Report of the Inclosure Commissioners for England and Wales. [12th May, 1854.]

**CAP. X.**

An Act for granting to her Majesty additional Duties on Profits arising from Property, Professions, Trades, and Offices. [12th May, 1854.]

**CAP. XI.**

An Act to amend the Laws relating to Ministers' Money, and the Church Temporalities (Ireland) Act. [12th May, 1854.]

**CAP. XII.**

An Act for raising the Sum of Sixteen Millions Twenty-four Thousand One Hundred Pounds by Exchequer Bills, for the Service of the Year 1854. [12th May, 1854.]

**CAP. XIII.**

An Act to amend the Acts relating to the Militia of the United Kingdom. [12th May, 1854.]

Sect. 1. Militia may be embodied whenever a state of war exists.

2. The time of training may be extended after a corps of militia is called out.

3. Time of drill not to be reckoned.

4. Notice of the time and place of meeting to be sent by the commanding officer by post to the residences of the men as stated in their attestations, and to be deemed sufficient.

**CAP. XIV.**

An Act to continue her Majesty's Commission for building new Churches. [12th May, 1854.]

**CAP. XV.**

An Act to empower the Commissioners of the Admiralty to construct a Tunnel between her Majesty's Dockyard at Devonport and her Majesty's Steam Factory Yard at Keyham, and to acquire certain Property for her Majesty's Service. [2nd June, 1854.]

**CAP. XVI.**

An Act to amend the Act of the 13 & 14 Vict. c. 61, and the Act of the 15 & 16 Vict. c. 54. [2nd June, 1854.]

Sect. 1. *Right of Appeal given by Sect. 14 of 13 & 14 Vict. c. 61, to extend to Cases in which Jurisdiction is given by Sect. 17.*

2. *Petitions for Protection from Process to be within the Provisions of the 8th Section of 15 & 16 Vict. c. 54.*

Be it enacted &c. as follows:—

Sect. 1. That the right and mode of appeal given by the 14th section of the 13 & 14 Vict. c. 61, as amended by the 2nd and 3rd sections of the 15 & 16 Vict. c. 54, shall extend to all cases decided after the passing of this act, in which jurisdiction is given by the 17th section of the said first-mentioned act in consequence of the agreement of parties; but it shall be lawful, when both parties shall desire that the decision of the county court judge shall be final, to exclude such right of appeal, by expressing such their desire in the memorandum of agreement directed by the said 17th section to be filed with the clerk of the court.

2. The provisions of the 18th section of the 15 & 16 Vict. c. 54, shall extend to all cases of petitions for protection from process made to a county court under the provisions of the 5 & 6 Vict. c. 116, of the 7 & 8 Vict. c. 96, and of the 10 & 11 Vict. c. 102, as fully as if the filing of every such petition had been required to be registered by the said 18th section of the first-recited act.

**CAP. XVII.**

An Act to make further Provision for defining the Boundaries of Counties, Baronies, Half Baronies, Parishes, Town Lands, and other Divisions and Denominations of Land in Ireland for Public Purposes. [2nd June, 1854.]

**CAP. XVIII.**

An Act for the Encouragement of Seamen, and the more effectual Manning of her Majesty's Navy during the present War. [2nd June, 1854.]

**CAP. XIX.**

An Act for facilitating the Payment of her Majesty's Navy, and the Payment and Distribution of Prize, Bounty, Salvage, and other Monies to and amongst the Officers and Crews of her Majesty's Ships and Vessels of War; and for the better Regulation of the Accounts relating thereto. [2nd June, 1854.]

(To be continued).

**London Gazettes.**

FRIDAY, AUGUST 11.

**BANKRUPTS.**

GEORGE TAPLING, Wood-street, Cheapside, London, carpet warehouseman, dealer and chapman, (trading under the firm of the Scotch and Yorkshire Spinning Company), Aug. 23 at 12, and Oct. 2 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Chidley, 19, Gresham-street, London.—Petition dated June 24.

**HENRY BENNETT**, Christchurch, Hampshire, linendraper, dealer and chapman, Aug. 21 at 1, and Sept. 19 at 3, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Ashurst & Co., 6, Old Jewry, London.—Petition filed July 28.

**JOHN STURGIS**, Maidstone, Kent, baker, dealer and chapman, Aug. 22 at half-past 2, and Sept. 25 at 2, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Hughes, 1, St. Swithin's-lane, London.—Petition filed July 28.

**JAMES ABRAHAM SMITH**, Queen-street, Hammersmith, Middlesex, and Newport-street, Lambeth, Surrey, lighter-man, dust contractor, dealer in bricks, ashes, coal, and corn, dealer and chapman, Aug. 26 at 1, and Sept. 25 at 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Chidley, 19, Gresham-street, London.—Petition filed Aug. 2.

**MICHAEL SOLOMON**, Lambeth-walk, Surrey, china dealer, Aug. 24 at half-past 11, and Sept. 22 at 2, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Sydney, 33, Jewry-street, Aldgate.—Petition filed Aug. 8.

**FREDERICK HAWSE KING**, New Shoreham, Sussex, carpenter and builder, dealer and chapman, Aug. 18 at 11, and Sept. 22 at 2, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Cutler, 5, Bell-yard, Doctors'-commons.—Petition filed Aug. 9.

**THOMAS FREDERICK GOODGER**, (called **THOMAS GOODGER**), Mason's-hill, Bromley, Kent, coach and omnibus proprietor, dealer and chapman, Aug. 25 at half-past 12, and Sept. 23 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Sadgrove, 64, Mark-lane, London.—Petition filed July 31.

**WILLIAM YORKE**, Cheahunt, Hertfordshire, builder, dealer and chapman, Sept. 2 at 12, and Sept. 23 at 2, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Smith & Son, 6, Barnard's-inn, Holborn.—Petition filed Aug. 11.

**EDWARD STAPLES** the younger, Soham, Cambridgeshire, miller and merchant, Aug. 25 at half-past 11, and Sept. 23 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Wilkin, 3, Furnival's-inn, Holborn.—Petition filed Aug. 10.

**THOMAS BELSHAM HUTTON**, Birmingham, wine and spirit merchant, dealer in fancy goods, and commission agent, dealer and chapman, Aug. 18 at 12, and Sept. 28 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Greeves, Temple-row; Hodgson, Birmingham.—Petition dated Aug. 5.

**JOHN FFOOKS**, Sherborne, Dorsetshire, brewer and maltster, dealer and chapman, Aug. 22 and Sept. 28 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Melmoth, Sherborne; Stogdon, Exeter.—Petition filed Aug. 1.

**SAMUEL GARRATT**, Perran-wharf, near Penryn, Cornwall, contractor, dealer and chapman, Aug. 22 and Sept. 28 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Smith & Roberts, Truro; Stogdon, Exeter.—Petition filed Aug. 3.

**THOMAS MELLOR** and **SAMUEL EASON**, Liverpool, merchants, (trading under the style or firm of Mellor & Eason), Aug. 23 and Sept. 18 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Haigh, Liverpool; Sale & Co., Manchester.—Petition filed July 27.

**MOSELY NATHAN**, Liverpool, watch manufacturer, dealer and chapman, Aug. 23 and Sept. 18 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sol. Roby, Liverpool.—Petition filed Aug. 8.

**JAMES WILD**, Hurst, near Ashton-under-Lyne, Lancashire, cotton spinner, dealer and chapman, Aug. 22 and Sept. 19 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sols. Ascroft, Oldham; Cobbett & Wheeler, Manchester.—Petition filed Aug. 9.

**JAMES WOVENDEN**, Manchester, eating-house keeper, dealer and chapman, Aug. 25 and Sept. 15 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sol. Cohen de Lara, Manchester.—Petition filed Aug. 2.

**GEORGE LOWRY**, Salford, Lancashire, flax spinner, Aug. 22 and Sept. 19 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Sale & Co., Manchester.—Petition filed Aug. 8.

**WILLIAM GELDART**, North Shields, Northumberland, shipowner, Aug. 15 at 11, and Sept. 27 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Wakley; Sols. Hoyle, Newcastle-upon-Tyne; Crossby, or Hill & Mathews, London.—Petition filed Aug. 5.

## MEETINGS.

**Wm. Venables**, Lamb's Conduit-street, Middlesex, draper, Sept. 19 at 1, Court of Bankruptcy, London, last ex.—**Thos. Shenton**, Bethnal-green-road, Middlesex, grocer, Sept. 7 at 12, Court of Bankruptcy, London, last ex.—**Alfred Eyre**, Norland-square, Notting-hill, Middlesex, merchant, Oct. 4 at 12, Court of Bankruptcy, London, last ex.—**Thos. Cummins**, Gateshead, Durham, painter, Aug. 30 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—**Stephen Wiles**, St. Neots, Huntingdonshire, brewer, Sept. 9 at 2, Court of Bankruptcy, London, aud. ac.—**Richard Clark**, West Strand, Middlesex, lamp merchant, Sept. 9 at 1, Court of Bankruptcy, London, aud. ac.—**William Bennett**, Tilney St. Lawrence, Norfolk, miller, Sept. 18 at 11, Court of Bankruptcy, London, aud. ac.—**Sir Ewan Mackenzie**, Bart., **Robert Cameron**, and **J. H. Boyle**, St. Helen's-place, Bishopsgate-st., London, merchants, Oct. 4 at 2, Court of Bankruptcy, London, aud. ac.—**Richard Stringer**, Harefield, near Uxbridge, Middlesex, draper, Sept. 16 at 1, Court of Bankruptcy, London, aud. ac.—**James Lamerton** and **James Galsworthy**, Queen's-road, Peckham, Surrey, builders, Sept. 18 at 12, Court of Bankruptcy, London, aud. ac.—**Robert Kemp Philp** and **Richard Perkins Appleford**, Fleet-st., London, booksellers, Sept. 16 at 12, Court of Bankruptcy, London, aud. ac.—**Geo. Bos**, Brighton, Sussex, livery-stable keeper, Sept. 7 at 12, Court of Bankruptcy, London, aud. ac.—**Peter Thomson**, Birchington-lane, London, merchant, Oct. 4 at 12, Court of Bankruptcy, London, aud. ac.—**Frederick Scotson**, Aldermanbury, London, and Maiden-lane, Southampton-st., Strand, Middlesex, tavern keeper, Sept. 16 at 1, Court of Bankruptcy, London, aud. ac.—**Henry Season Champion**, Austin-friars, London, ship broker, Sept. 16 at 12, Court of Bankruptcy, London, aud. ac.—**Samuel Potts**, Hova-villas, Hove, near Brighton, Sussex, carpenter, Sept. 18 at 12, Court of Bankruptcy, London, aud. ac.—**John Allen**, Courthorpe-terrace, Bermondsey New-road, and York-place, Kent-st.-road, Surrey, grocer, Sept. 18 at 12, Court of Bankruptcy, London, aud. ac.—**David Ma Teer**, Manchester, merchant, Aug. 22 at 12, District Court of Bankruptcy, Manchester, aud. ac.—**Richard Beckett**, Liverpool, carrier, Aug. 22 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—**James Richard Griusshaw**, Pemberton, Lancashire, master coal miner, Aug. 24 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—**John W. Williams** and **Wm. Fisher Warbreck**, Liverpool, manufacturing chemist, Aug. 24 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—**John Featon**, Three Colt-st., Limehouse, Middlesex, draper, Oct. 5 at 1, Court of Bankruptcy, London, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

**Benjamin West**, Fleet-st., London, and St. James's-walk, Clerkenwell, Middlesex, bookseller, Sept. 4 at 11, Court of Bankruptcy, London.—**Richard Stringer**, Harefield, near Uxbridge, Middlesex, draper, Sept. 16 at 1, Court of Bankruptcy, London.—**Robert Kemp Philp** and **Richard Perkins Appleford**, Fleet-street, London, booksellers, Sept. 16 at 12, Court of Bankruptcy, London.—**Robert Cameron** and **James Holmes Boyle**, St. Helen's-place, Bishopsgate-st., London, merchants, Oct. 4 at 2, Court of Bankruptcy, London.—**T. Nichols Vosper**, Launceston, Cornwall, draper, Sept. 16 at 12, Court of Bankruptcy, London.—**W. John Watson**, Upper Holloway, Middlesex, builder, Oct. 4 at 2, Court of Bankruptcy, London.—**Ely Kitson**, Fenchurch-st., London, saddler, Sept. 5 at 1, Court of Bankruptcy, London.—**Francis Paxon**, Bloomsbury, Middlesex, scrivener, Oct. 4 at 12, Court of Bankruptcy, London.—**W. Henry Chidwick**, Dover, Kent, tobaccoconist, Sept. 16 at 2, Court of Bankruptcy, London.—**J. Allen**, Courthorpe-terrace, Bermondsey New-road, and York-place, Kent-street-road, Surrey, grocer, Sept. 18 at 12, Court of Bankruptcy, London.—**Thos. Langridge**, Bristol, cook, Sept. 12 at 11, District Court of Bankruptcy, Bristol.

*To be granted, unless an Appeal be duly entered.*

**John Jacob Hill**, High Holborn, Middlesex, ironmonger.—**Robert Alexander Kirkaldy**, Fenchurch-street, London, stationer.—**Alfred Guy**, Upper Rosoman-st., Clerkenwell, Middlesex, lamp manufacturer.—**James Hunt**, Lapus-st., Middlesex, builder.—**Wm. Pegler**, James-place, Gloucester-terrace, Paddington, Middlesex, job master.—**George Newman**,

Stratford-place, Camden-town, Middlesex, builder.—*Thomas Young*, North Shields, and Howdon Pans, Northumberland, ship builder.—*Wm. Dolton*, Sutton St. Mary, Lincolnshire, common brewer.—*Thos. Sherratt*, Washerwall, Stoke-upon-Trent, Staffordshire, grocer.—*James Burgin*, Sheffield, Yorkshire, tailor.

## SCOTCH SEQUESTRATIONS.

*Farguharson & Mason*, Edinburgh, brassfounders.—*Robert Reid*, Leven, Fifehire, bookseller.—*Thomas Galloway*, Glasgow, baker.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*James Coleman*, Bristol, grocer, Aug. 28 at half-past 10, County Court of Gloucestershire, at Bristol.—*James Thomas Masey*, Bristol, builder, Sept. 28 at half-past 10, County Court of Gloucestershire, at Bristol.—*James Williams*, Bristol, butcher, Sept. 28 at half-past 10, County Court of Gloucestershire, at Bristol.—*John Knight*, Bristol, plumber, Aug. 31 at half-past 10, County Court of Gloucestershire, at Bristol.—*Evan Roberts*, Bristol, accountant, Aug. 31 at half-past 10, County Court of Gloucestershire, at Bristol.—*Frederick Rider Sutton*, Bristol, furniture painter, Sept. 28 at half-past 10, County Court of Gloucestershire, at Bristol.—*W. Vaughan* the younger, Bristol, fishmonger, Aug. 31 at half-past 10, County Court of Gloucestershire, at Bristol.—*W. Carr*, Gate Helmsley, near York, schoolmaster, Aug. 28 at 10, County Court of Yorkshire, at York.—*Charles Southcoat*, York, hay dealer, Aug. 28 at 10, County Court of Yorkshire, at York.—*Christopher Ware* the elder, York, out of business, Aug. 28 at 10, County Court of Yorkshire, at York.—*John Smith*, Aine, near Easingwold, Yorkshire, labourer, Aug. 29 at 10, County Court of Yorkshire, at Easingwold.—*Wm. Russell Shackleton*, Luton, Bedfordshire, shoemaker, Aug. 17 at 11, County Court of Bedfordshire, at Luton.—*John Tempest*, Salford within Blackburn, Lancashire, whitesmith, Aug. 28 at 11, County Court of Lancashire, at Blackburn.—*James Mellow*, St. Austell, Cornwall, shoemaker, Sept. 7 at 10, County Court of Cornwall, at St. Austell.—*George Harris* the elder, Coventry, Warwickshire, lithographic printer, Aug. 29 at 12, County Court of Warwickshire, at Coventry.—*John William Knight*, Coventry, Warwickshire, builder, Aug. 29 at 12, County Court of Warwickshire, at Coventry.—*Charles Chinn*, Coventry, Warwickshire, licensed victualler, Aug. 29 at 12, County Court of Warwickshire, at Coventry.—*Thos. Green*, Coventry, Warwickshire, builder and carpenter, Aug. 29 at 12, County Court of Warwickshire, at Coventry.—*John Walker*, Hemel Hempstead, Hertfordshire, wheelwright, Aug. 16 at half-past 10, County Court of Hertfordshire, at St. Albans.—*John Hallawell*, Halifax, Yorkshire, provision dealer, Aug. 25 at 10, County Court of Yorkshire, at Halifax.—*Lewis Thomas*, Merthyr Mawr, Glamorganshire, curate of Merthyr Mawr, Sept. 1 at 11, County Court of Carnarvonshire, at Bangor.—*Benjamin Fisk*, Rendlesham, Suffolk, farming bailiff, Aug. 25 at 2, County Court of Suffolk, at Woodbridge.—*Simeon Lord*, Newchurch, Rossendale, Lancashire, greengrocer, Aug. 22 at 12, County Court of Lancashire, at Haslingden.—*Wm. Vokes*, Bath, Somersetshire, watchmaker, Aug. 19 at 11, County Court of Somersetshire, at Bath.—*Robert Rodwell*, Tring, Hertfordshire, licensed victualler, Aug. 31 at 10, County Court of Buckinghamshire, at Aylesbury.—*George W. Taylor*, Rotherham, Yorkshire, blacksmith, Aug. 25 at 12, County Court of Yorkshire, at Rotherham.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Nov. 10 at 10, before the CHIEF COMMISSIONER.*

*B. C. A. Gilbert*, Tenter-street, Spitalfields, Middlesex, clerk.—*G. Ede*, Esher, Surrey, smith.—*James Bryer Ash*, Hampstead-street, Fitzroy-square, Middlesex, out of business.—*Henry Hilliard*, Plaistow, Essex, stationer.—*Oliver Robotham*, Errington-cottages, Denmark-street, Cold Harbour-lane, Camberwell, messenger at the Custom House, London.—*Wm. M. P. Yate*, Brownlow-street, Holborn, manager of Tropeau's Patent Diurnal Reflector.

*Nov. 16 at 11, before Mr. Commissioner PHILLIPS.*

*Robert C. Hogg*, West Strand, Middlesex, photographic artist.—*George Obej*, Russell-street, Commercial Docks, Rotherhithe, Surrey, butcher.—*H. F. Holmes*, Twickenham, Middlesex, carpenter.—*Edward Osmond*, Shenley-hill, near Barnet, Hertfordshire, carpenter.—*Robert Smith*, Argyle-street, Oxford-street, Middlesex, footman.—*S. H. Northey*, John's-place, King-street, Old Gravel-lane, Wapping, Middlesex, shipwright.—*Jonathan Marsden*, Draper's-place, Burton-crescent, New-road, Middlesex, grocer.—*Samuel Lusty*, Hatcham, Surrey, engineer.

*Nov. 22 at 10, before Mr. Commissioner MURPHY.*

*George H. Motteram*, Liverpool, general agent.—*C. Burton*, New Wharf, Whitefriars, London, printer.—*Henry A. Dash*, New Church-street, Edgeware-road, Middlesex, hatter.—*James Bollington*, Little Crown-court, Wardour-street, Soho, Middlesex, clothier.—*Thomas Ralph Ruthe*, Paradise-terrace, Liverpool-road, Middlesex, linen draper's assistant.—*Richard Jenkins*, Market-street, Shepherd-market, Mayfair, Hanover-square, Middlesex, milkman.—*J. Gander*, Marlborough-street, Chelsea, Middlesex, carman.—*Thomas Haynes*, New-road, St. George's-in-the-East, Middlesex, commission agent.—*Samuel Harris*, St. James's-place, Aldgate, London, fruiterer.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Yorkshire, at YORK, Aug. 28.*

*Wm. Ruddock*, Leeds, out of business.—*Chas. Farrington*, Huddersfield, cloth dresser.—*E. T. Churchin*, Weighton, out of business.—*Joseph Shepherd*, Pudsey, near Leeds, clothier.—*John Mortimer*, Cleckheaton, near Leeds, out of business.—*H. Wright*, Rotherham, cabinet maker.—*Ann Hopwood*, Knaresborough, out of business.—*John Dawson*, Wakefield, apothecary.—*John Armitage*, Holm Banks, near Holmfirth, woollen cloth manufacturer.—*James C. Hudson*, Burley, near Otley, out of business.—*Daniel Scholefield*, Hambleton, near Selby, woodman.—*Joseph Hudson*, Guiseley-green Bottom, near Leeds, weaver.—*John Fox*, Leeds, joiner.—*G. Demaine*, Ilkley, tailor.—*Henry Lockwood*, Guiseley-green Bottom, near Leeds, weaver.—*James Purdon*, Leeds, bricklayer.—*H. Bradley*, Huddersfield, cloth dealer.—*John Taylor*, Whitley Lower, near Dewsbury, out of business.—*Abraham Chamberlain* the elder, York, out of business.—*James Gilchrist*, York and Bradford, out of business.—*Joseph Sowry*, Bradford, grocer.—*Wm. Renwick*, Bradford, out of business.—*W. H. Foster*, Halifax, out of business.—*Thomas Morris*, Sadleworth, licensed victualler.—*John Bower*, Laister Dyke, near Bradford, manufacturer.—*Thomas Waddilove*, Little Horton, near Bradford, out of business.

*At the County Court of Warwickshire, at COVENTRY, Aug. 29 at 12.*

*James Phillips*, Birmingham, marine store dealer.—*Thos. Podmore*, Birmingham, writing clerk.

## INSOLVENT DEBTORS' DIVIDENDS.

*Robert Barlow*, Liverpool, watch manufacturer: 7½d. in the pound.—*Benjamin Smith*, Stourmouth, near Wingham, Kent, farmer: 3s. in the pound.—*Richard G. Richardson*, Bryan-terrace, Lower Copenhagen-street, Caledonian-road, Islington, Middlesex, grocer: 2s. 7½d. in the pound.—*Joseph Hurren*, South-place, Tibborton-square, New North-road, Islington, Middlesex, beer retailer: 7s. 2d. in the pound.—*Charles Woodward*, Westbourne-grove, Paddington, Middlesex, clerk in holy orders: 2s. 10½d. in the pound.—*Henry J. Daker*, Judd-street, Brunswick-square, Middlesex, out of employ: 9½d. in the pound.—*George Batchelor*, Upper Kennington-lane, Surrey, tobacconist: 2s. 1½d. in the pound.—*John Jackson*, Lisacard, Cheshire, gentleman: 1s. 11½d. (making 3s. 5d.) in the pound.—*Thomas Williams*, Upper Whitecross-street, Middlesex, pork butcher: 6s. 4d. (making 17s. 5d.) in the pound.—*William Halliwell*, Oldham, Lancashire, cotton waste dealer: 2s. 1½d. in the pound.—*James T. Powell*, Middleton-square, Clerkenwell, Middlesex, clerk in the Paymaster-General's Office, Whitehall: 2½d. (making 2s.) in the pound.

*Apply at the Provisional Assignees' Office, Portugal-street, Lincoln's-inn-fields, London, between the hours of 11 and 3.*

*Wm. F. Bannerman*, Surrey-street, Strand, clerk, Aug. 21, at Taylor & Collisson's, 28, Great James-street, Bedford-row, Middlesex: 2s. 8½d. in the pound.

## TUESDAY, August 15.

### BANKRUPTCY.

**ALFRED HENRY EDGLEY**, Botesdale, Suffolk, inn-keeper and publican, Aug. 28 at 1, and Sept. 26 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Jennings, Ipswich, Suffolk; Nicholls & Doyle, 2, Verulam-buildings, Gray's-inn, London.—Petition filed Aug. 5.

**PHILIP RIMER**, formerly of Clarence-place, Dalston, Middlesex, but now of Gravesend, Kent, cigar merchant, dealer and chapman, Sept. 2 at half-past 1, and Sept. 29 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Philpot, 49, Gracechurch-street.—Petition filed Aug. 8.

**FRANCIS WILDBORE**, Wisbeach, Cambridgeshire, and late of Stamford, Lincolnshire, hotel keeper, dealer and chapman, Sept. 2 at 1, and Sept. 29 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury.—Petition filed Aug. 11.

**WILLIAM IVORY**, Norwich, wholesale grocer, dealer and chapman, Sept. 2 at half-past 12, and Sept. 29 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Miller & Son, Norwich; Sole & Co., 68, Aldermanbury.—Petition filed Aug. 7.

**JOHN THOMAS JENKINS**, Lewisham-road, Deptford, Kent, builder, dealer and chapman, Sept. 2 at half-past 11, and Sept. 29 at 2, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Newbon & Evans, 1, Wardrobe-place, Doctors'-commons.—Petition filed Aug. 12.

**HENRY JOHN ASHLEY**, Newbury, Berkshire, artificial manure merchant, dealer and chapman, Sept. 2 at 11, and Sept. 29 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Cave, Newbury, Berkshire; Rickards & Walker, 29, Lincoln's-inn-fields.—Petition filed Aug. 14.

**HENRY DAVY**, Fordton, Crediton, Devonshire, linen and sail-cloth manufacturer, dealer and chapman, Aug. 23 and Sept. 21 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Terrell, Exeter.—Petition filed Aug. 11.

**WILLIAM MUDGE**, Paignton, Devonshire, fly and cab and coach proprietor, dealer and chapman, Aug. 23 and Sept. 21 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Leaman, Paignton.—Petition filed Aug. 12.

**WILLIAM SHAW** and **HENRY SHAW**, Mold-green, near Huddersfield, Yorkshire, dyers, dealers and chapmen, Aug. 28 and Sept. 25 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Hird, Huddersfield; Cariss & Cudworth, Leeds.—Petition dated Aug. 11.

**WILLIAM COVENEY**, Manchester, silk manufacturer, dealer and chapman, Aug. 29 and Sept. 19 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Cobbett & Wheeler, Manchester.—Petition filed Aug. 10.

**SIMEON STANSFIELD**, Little Hulton, Lancashire, cotton spinner and manufacturer, dealer and chapman, Aug. 25 and Sept. 15 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sols. Rushton & Armitstead, Bolton-le-Moors.—Petition filed Aug. 11.

### MEETINGS.

*William Gibson*, Birmingham, sharebroker, Aug. 26 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Thos. Francis*, Birmingham, nail manufacturer, Aug. 26 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Richard William Spendlow*, Market Drayton, Shropshire, chemist, Sept. 4 at 10, District Court of Bankruptcy, Birmingham, aud. ac.; Sept. 6 at 10, div.

### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*John Todd Merrick*, Hereford-road, Westbourne-grove, Middlesex, builder, Sept. 9 at 12, Court of Bankruptcy, London.—*Henry Pearse*, Welwyn, Hertfordshire, and Finsbury-place South, London, merchant, Sept. 9 at 12, Court of Bankruptcy, London.—*Wm. Henry Wearn*, Southsea, Portsea, Southampton, grocer, Sept. 7 at 11, Court of Bankruptcy, London.—*Samuel Turner Proust*, Addele-street, Wood-street, Cheapside, London, licensed victualler, Sept. 7 at half-past 1, Court of Bankruptcy, London.—*Henry Claridge*, Souldern, Oxfordshire, tea dealer, Sept. 7 at half-past 1, Court of Bank-

ruptcy, London.—*John Wm. Williams* and *Wm. Fisher Werbreck*, Liverpool, manufacturing chemists, Sept. 7 at 11, District Court of Bankruptcy, Liverpool.—*John David Neill* and *Henry Sanderson*, Liverpool, shipbrokers, Sept. 5 at 11, District Court of Bankruptcy, Liverpool.—*James Acomb*, Blackburn, Lancashire, and York, draper, Sept. 6 at 12, District Court of Bankruptcy, Manchester.—*Thomas Colton Matthews*, Kingston-upon-Hull, maltster, Sept. 6 at 12, District Court of Bankruptcy, Kingston-upon-Hull.—*Abraham Moses Marbe*, Birmingham, manufacturing chemist, Sept. 14 at 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*Wm. Long*, Lamb's Conduit-st., Middlesex, baker.—*Wm. Shaw*, Lincoln, bookseller.—*Wm. Michael Peniston*, Yarmington, Dorsetshire, railway contractor.—*Richard Gribbell*, Tavistock, Devonshire, wholesale grocer.—*James McInyre*, Taunton St. James, Somersetshire, nurseryman.—*J. Robinson*, Hexham, Northumberland, currier.

### PETITIONS ANNULLED.

*George Crickmer*, Lowestoft, Suffolk, saddler.—*Isaac Cook*, Sunderland, Durham, painter.

### SCOTCH SEQUESTRATIONS.

*Roderick M'Donald*, Portobello, spirit merchant.—*Thomas Scott*, Dundee, grocer.

### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Cretwell*, Ashford, Kent, boot maker, Aug. 21 at 10, County Court of Kent, at Ashford.—*Joseph Turner*, Manchester, railway clerk, Sept. 4 at 12, County Court of Lancashire, at Manchester.—*Archibald Augustus Eastwood*, Manchester, commercial salesman, Sept. 4 at 12, County Court of Lancashire, at Manchester.—*Wm. Hanstock*, Chesterfield, Derbyshire, licensed victualler, Sept. 27 at 11, County Court of Derbyshire, at Chesterfield.—*Wm. Dwyer* the younger, Plymouth, Devonshire, architect, Sept. 20 at 11, County Court of Devonshire, at East Stonehouse.—*F. Davis*, King's Coughton, Alcester, Warwickshire, needle scourer, Aug. 25 at 11, County Court of Warwickshire, at Alcester.—*George Mosley*, Sheffield, Yorkshire, brickmaker, Sept. 6 at 12, County Court of Yorkshire, at Sheffield.—*Wm. Green*, Sheffield, Yorkshire, hair seating manufacturer, Sept. 6 at 12, County Court of Yorkshire, at Sheffield.

*Saturday, Aug. 12.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*John A. Dobson*, Pennington-street, St. George's-in-the-East, Middlesex, shipwright: in the Debtors Prison for London and Middlesex.—*Joseph Hart* the younger, Belgrave-road, Pimlico, Middlesex, assistant to a music seller: in the Debtors Prison for London and Middlesex.—*George Edward Nott* the younger, Edward-terrace, Caledonian-road, Middlesex, assistant to an ironmonger: in the Debtors Prison for London and Middlesex.—*John Davis*, Fleming House, Old Brompton, Middlesex, in no employment: in the Queen's Prison.—*A. Mowat*, Hatcham-terrace, Old Kent-road, Surrey, wine merchant: in the Debtors Prison for London and Middlesex.—*Adam Smart Wm. Dibley*, Cleaver-street, Kennington-cross, Surrey, baker: in the Queen's Prison.—*Robert John Hop*, Charter-house-square, Middlesex, clerk in holy orders: in the Queen's Prison.—*Michael Henry Myers*, Milton-next-Gravesend, Kent, out of employ: in the Queen's Prison.—*George Street*, Shepperton-cottages, Islington, Middlesex, accountant: in the Debtors Prison for London and Middlesex.—*Peter J. Rybaud*, Brompton-row, Brompton, Middlesex, general merchant: in the Queen's Prison.—*Thomas Searle*, South Mimms, near Barnet, Middlesex, cabinet maker: in the Debtors Prison for London and Middlesex.—*W. Lawson*, Ivy-street, Hoxton, Middlesex, hosier: in the Debtors Prison for London and Middlesex.—*John Duller*, Woronzow-terrace, St. John's-wood, Middlesex, builder: in the Debtors Prison for London and Middlesex.—*George R. Ramsey*, Richmond, Surrey, coachmaker: in the Gaol of Surrey.—*Isaac Sumner*, Heaton Norris, near Manchester, out of business: in the Gaol of Lancaster.—*Thomas C. Johnstone*, Manchester, carpet dealer: in the Gaol of Lancaster.—*Alexander P. Rungblut*, Cheltenham, Gloucestershire, musician: in the Gaol of Glouce-



ter.—*Thomas Maddocks*, Liverpool, provision dealer: in the Gaol of Lancaster.—*Ann Garland*, Nottingham, out of business: in the Gaol of Nottingham.—*Alfred Gorgias Neale*, Thornton, near Bradford, Yorkshire, shoemaker: in the Gaol of York.—*George Mallinson*, George-street-under-Lyne, Lancashire, tailor: in the Gaol of Lancaster.—*James Robinson*, Gorton Brook, near Manchester, out of business: in the Gaol of Lancaster.—*Thomas Burgess*, Stockport, Cheshire, out of business: in the Gaol of Chester.—*James Ward*, Ipswich, Suffolk, carpenter: in the Gaol of Ipswich.—*Frederick Short*, Lyndhurst, Southampton, baker: in the Gaol of Winchester.—*J. Turner*, Sheffield, Yorkshire, coach builder: in the Gaol of York.—*Thomas Carrington*, Edgbaston, near Birmingham, tool maker: in the Gaol of Coventry.—*Samuel Roose*, Birmingham, out of business: in the Gaol of Coventry.—*Thomas Watts*, Birmingham, bookseller: in the Gaol of Coventry.—*William Hackwood*, Shelton, Staffordshire, manufacturer of earthenware: in the Gaol of Coventry.—*George Reeves* the younger, Leamington Priors, Warwickshire, out of business: in the Gaol of Warwick.—*John Homles*, Walker, near Newcastle-upon-Tyne, labourer: in the Gaol of Morpeth.—*Wm. Woods Schofield*, Withnell, near Chorley, Lancashire, quarry master: in the Gaol of Lancaster.—*William Swindlehurst*, Preston, Lancashire, out of business: in the Gaol of Lancaster.—*Wm. Baker* the younger, Manchester, waste dealer: in the Gaol of Lancaster.—*Joseph Bohanna*, Manchester, out of business: in the Gaol of Lancaster.—*Robert Jones*, Salford, Lancashire, out of business: in the Gaol of Lancaster.—*George Sherlock*, Hulme, Manchester, out of business: in the Gaol of Lancaster.—*Thomas Pentk*, Manchester, tea dealer: in the Gaol of Lancaster.—*Wm. Bradley*, Hurst-green, near Clitheroe, Lancashire, provision-shop keeper: in the Gaol of Lancaster.—*John Carr*, Manchester, butcher: in the Gaol of Lancaster.—*Wm. Baker* the elder, Manchester, waste dealer: in the Gaol of Lancaster.—*Ann Barker*, Sheffield, Yorkshire, out of business: in the Gaol of Sheffield.—*Thomas G. Brown*, Hove, Sussex, baker: in the Gaol of Lewes.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Warwickshire, at COVENTRY, Aug. 29 at 12.*

*Thomas Watts*, Birmingham, bookseller.—*Samuel Roose*, Birmingham, out of business.—*W. Hackwood*, Scarborough, Yorkshire, dealer in fancy goods.—*T. Carrington*, Edgbaston, near Birmingham, tool maker.

*At the County Court of Cheshire, at CHESTER CASTLE, Aug. 30.*

*George Pearson*, Birkenhead, in no trade.—*Elias Heapy*, Stockport, licensed victualler.—*James Hulme*, Macclesfield, out of business.—*James Howard*, Macclesfield, out of business.—*John Dale*, Macclesfield, out of business.—*John Gaskell*, Stockport, surgeon.—*Thomas Burgess*, Stockport, out of business.—*Anne Hand*, widow, Middlewich.

*At the County Court of Gloucestershire, at GLOUCESTER, Aug. 31 at half-past 10.*

*Robert Edward Thorley*, Bristol, beer retailer.

*At the County Court of Carnarvonshire, at CARNARVON, Aug. 31 at 10.*

*Felix Mashiter Whitehurst*, Bodegroes, near Pwllheli, gentleman.

*At the County Court of Lancashire, at MANCHESTER, Sept. 4 at 12.*

*Lewis Holland*, Hulme, Manchester, stonemason.

#### INSOLVENT DEBTORS' DIVIDENDS.

*John Mayfield*, Barnes-green, Barnes, Surrey, tea dealer: 11½d. in the pound.—*John George Mayer*, Charlotte-street, Rathbone-place, St. Pancras, Middlesex, furrier: 7d. in the pound.—*J. Edis*, Shoe-lane, Fleet-street, London, butcher: 2s. 5½d. in the pound.—*Obadiah Bellamy*, Clayland-place, Trigon-road, Surrey, relieving officer of the parish of Lambeth: 7s. 10d. in the pound.—*Louis Gabriel Isidore Bonnet*, Accacia-place, St. John's-wood, Middlesex, clerk in the General Register Office, Somerset House: 1s. in the pound.—*John Keir*, Charlton-pier, New Charlton, Woolwich, Kent, licensed retailer of beer: 2s. 4½d. in the pound.

*Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn, London, between the hours of 11 and 3.*

*Anthony Hoggard*, Bishopwearmouth, shipowner, Aug. 19, at Cawood's, solicitor, Sunderland: 10s. 9½d. in the pound.—*Thomas Howard Adcock*, Much Woollen, near Liverpool, schoolmaster, Aug. 19, at Priests's, accountant, Liverpool: 6s. 9d. in the pound.

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HENRY D. DAVENPORT, Secretary.

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"I am, Gentlemen, yours respectfully,

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"I am, Gentlemen, yours very faithfully,

"To Messrs. Thos. Milner & Son,

47 A, Moorgate-street."

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# The Jurist

No. 920—VOL. XVIII. AUGUST 26, 1854.

PRICE 1s.

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LONDON, AUGUST 26, 1854.

WE return to the subject of *Jefferys v. Boosey*, not for the purpose of questioning its law, which would of course be absurd, but for the purpose of shewing what very absurd consequences will follow from it, and of shewing how completely it will operate as a tax and a vexation on foreign writers, and nothing more. It may be quite true that the Legislature must *prima facie* be taken to have made laws for its own subjects exclusively, but it does not follow that that is in all cases a politic act of the Legislature. So it may be quite true that, in point of law, a foreigner cannot, out of this country, so transfer copyright as to entitle the assignee to secure it in this country, but that he may, if he chooses to come to this country and here to publish, secure copyright for himself or his assignee. But mark the absurdity of the consequences—he must publish here; but what extent of residence, with reference to publication, will suffice, is most guardedly left in the dark by the House of Lords in *Jefferys v. Boosey*; so that whether to be here to commit the manuscript to the care of the publisher is enough, or whether the author must abide the termination of printing—the returning for press, as it is technically termed—or whether he must be here when the publication, that is, the issuing of a copy for sale, first takes place, has yet to be

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decided. Now, assume that the most liberal interpretation should be adopted, and that the law should be, that it is enough that the author should be personally here to commit his manuscript into the hands of the publisher, then a journey is imposed on the unhappy author for no earthly purpose except to satisfy a theory of his being for an instant subject to the laws of this realm. The driest of dry trustees to uses, not inaptly termed, in words of art, a conduit-pipe, does not perform a more ignoble part, a more instantaneous and evanescent function, than will the foreign author, who will be brought here to do what his agent's porter could do quite as well, with quite as much benefit to the country, and with quite as much of actual responsibility to its laws. The author must, *coute qu'il coute*, come from whatever distance may be his own land, step on our shores, and in his own proper person deliver seisin of his work to the public of this country; having done which he may vanish; English copyright has been created, and is thenceforth assignable, and the author may go. And for this triviality he has been brought, perhaps, hundreds of miles!

But whether that construction or the less liberal construction be that put on the law—whether he must acquire here a substantial residence, or whether he may be the mere trustee to uses of his manuscript—in either case it is clear that the *printing* must take place here; so that the author *must* either reside here to pass his work through the press, or he must have the sheets sent to him for correction in his own country, or he must get a friend to pass the book through the press.

The hardship of this on foreign authors will be very great; and the absurdity will be very great of compelling a man to stay here to do what could be done just as well in any other place, if that place is in other respects more convenient to him.

As to the policy of the law—a word continually in

LIBRARY

the mouths of us lawyers—the expression is, in reference to this law, just verbiage, and nothing more. There is no policy at all in such a law; there is, indeed, very little question about policy, in its high sense, in the subject. It is a question simply of convenience and commercial justice. It is convenient to us, and convenient to the author, that M. Guizot, or M. Lamartine, or Felix Mendelsohn, or Signor Bellini should, according to their gifts, put forth their works in this country, if it so suits them. It is *just*, and no more than just, that they should, like every other man of labour, be able to secure the price of their labour, if they desire or require so to do. It is just and convenient that they should write where they like, and print where they like, and how they like. The only thing in which the public has any interest whatever in meddling, is to have some certain test by which they may know what is M. Guizot's or any other author's literary property, in order that they may not interfere with his right of property; and that test would be as effectually secured if the author could impart copyright, in the mode attempted in Bellini's case, as by his printing and publishing the work here.

Of the injury to those who have purchased copyrights, or rather supposed copyrights, on the faith of the decision of the Court of Exchequer, we shall say nothing, except that it will be but little comfort to them to reflect, that the law by which they suffer the loss of thousands is a very absurd one.

#### COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.

The Lord Chancellor, under the powers of the 16 & 17 Vict. c. 78, intituled "An Act relating to the Appointment of Persons to administer Oaths in Chancery, and to Affidavits made for Purposes connected with Registration," has appointed the following gentlemen to be Commissioners for administering Oaths in Chancery:—

*To be a London Commissioner.*

Anthony Carr, 24, Eastcheap, City.

*To be Commissioners in England.*

James George Hobbs, Bristol.

George Heineman, York.

George Sheppard, Otley, Yorkshire.

Charles Prentice Barrett, Eton, Buckinghamshire.

Thomas William Gray, Exeter.

Claudius Crigan Hawker, Boscastle, Cornwall.

**COMMISSIONERS FOR CONSOLIDATING THE STATUTE LAWS.**—The Queen has been pleased to direct letters-patent to be passed under the Great Seal for appointing the Right Hon. Lord Cranworth, Lord High Chancellor; the Right Hon. Lord Lyndhurst; the Right Hon. Lord Brougham; the Right Hon. Lord Wrottesley; the Right Hon. Lord Campbell, C. J.; the Right Hon. Sir John Jervis, Knt., C. J.; the Right Hon. Sir Frederick Jonathan Pollock, Knt., C. B.; the Right Hon. Sir James Parke, Knt., B.; James Moncreiff, Esq., Q. A. for Scotland; the Right Hon. Spencer Horatio Walpole; the Right Hon. Joseph Napier; Sir William Page Wood, Knt., V. C.; Sir Alexander James Edmund Cockburn, Knt., A. G.; Sir Richard Bethell, Knt., S. G.; the Right Hon. Abraham Brewster, A. G. for Ireland; William Keogh, Esq., S. G. for Ireland; Robert Handyside, Esq., S. G. for Scotland; and Henry Belandén Ker, Esq., Barrister at Law, to be her Majesty's Commissioners for the purpose of consolidating the Statute Laws of the Realm.

#### PUBLIC GENERAL STATUTES.

17 & 18 VICTORIA.—SESSION 2.

(Continued from p. 287).

#### CAP. XX.

An Act to repeal an Act of the 53 Geo. 3, c. 72, and an Act of the 8 Vict. c. 21; and for making Provision for the Appointment and for Remuneration of a Stipendiary Justice for the Division of Manchester, in the County of Lancaster, and of Clerks to such Justice and the Justices for the Borough of Salford; and for other Purposes.

[2nd June, 1854.]

- Sect. 1. Short title of act.
2. Interpretation clause. "Stipendiary justice." "Borough business." "Divisional business." "Clerk for borough business." "Clerk for divisional business." "Justices of the division." "Division of Manchester." "Borough justices." "Out-district clerks."
3. Stat. 53 Geo. 3, c. 72, and 8 Vict. c. 21, repealed.
4. Her Majesty, in right of her Duchy of Lancaster, to appoint a barrister as stipendiary justice.
5. Style of stipendiary justice.
6. Present stipendiary justice and clerks to continue in office.
7. Stipendiary justice not incapacitated for want of property qualification.
8. Stipendiary justice not to sit in the House of Commons.
9. Residence of stipendiary justice.
10. Stipendiary justice to sit at Town Hall and New Bailey, Salford, and at Worley.
11. Stipendiary justice to sit at Heaton Norris.
12. For appointment of out-district clerks.
13. Provision for holding sittings of stipendiary justice in other places.
14. In absence of stipendiary justice, another justice may attend.
15. Provision for suspending and discontinuing certain sittings.
16. Justices of the division and borough justices to have concurrent jurisdiction in borough business.
17. Certain county justices to be borough justices.
18. Clerk for divisional business and clerk for borough business to be appointed.
19. Duties of the respective clerks for divisional and borough business.
20. Provision for payment of salaries to the stipendiary justice, and clerk for divisional business, and out-district clerks.
21. Borough of Salford to contribute its quota towards the salary of stipendiary justice from borough fund.
22. Provision for payment to clerk for borough business of such annual sum, not exceeding 500*l.*, as council may direct.
23. No fees to be taken except at places of public sitting.
24. Process requiring appearance of inhabitants of the division without the limits of the same, to be void.
25. Clerk for borough business to receive all fees, and render to the council a quarterly account thereof, and pay fees received to the treasurer of the borough.
26. Clerk for divisional business to receive fees, and render a quarterly account thereof to justices of division.
27. Persons making false declarations to be guilty of a misdemeanour.
28. Clerk for divisional business, and out-district clerks, to carry all fees received to account of General Fee Fund. Justices of divisions may appoint treasurer of Fee Fund.
29. Fee Fund formed under the 8 Vict. c. 21, to be the Fee Fund under this act.
30. Clerks disqualified from acting as attorneys in certain cases. Clerk for borough business to conduct prosecution of borough offences.
31. Justices to make rates for payment of salaries, &c. under this act.
32. Mode by which value of rateable property may be ascertained.
33. Powers of acts relating to county rates made applicable to this act.
34. Overseers of the poor to levy rates.
35. Application of penalties.

36. Application of monies received for estreated recognisances.
37. Treasurer of Fee Fund to pay to treasurer of borough a moiety of monies received for forfeitures and estreated recognisances.
38. Constables to take recognisances, &c.
39. Notice of meetings of justices.
40. Notice of action.
41. Saving the rights of the corporation of Stockport and the borough justices.
42. For payment of expenses of this act.

## CAP. XXI.

An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year 1854.

[16th June, 1854.]

## CAP. XXII.

An Act to enable the Collector-General of Dublin to levy Money to repay a certain Outlay by the Corporation for preserving and improving the Port of Dublin in and about repairing the Quay Wall of the River Liffey, and for future Repairs thereof, and for repairing and rebuilding Bridges over the said River.

[16th June, 1854.]

## CAP. XXIII.

An Act for raising the Sum of Six Millions by Exchequer Bonds and Exchequer Bills.

[16th June, 1854.]

## CAP. XXIV.

An Act for granting to her Majesty an increased Rate of Duty on Profits arising from Property, Professions, Trades, and Offices.

[16th June, 1854.]

## CAP. XXV.

An Act to amend the Industrial and Provident Societies Act, 1852.

[16th June, 1854.]

- Sect. 1. Suits to be carried on in the Name of one of the Officers of any Society to be appointed for that Purpose.*
2. *Officers to be appointed to sue and be sued on Behalf of Society, and their Names, &c. to be returned to Registrar of Friendly Societies. Form of Return. In Default of Appointment as aforesaid, Trustees of Society may appoint such Officers and make Returns.*
  3. *Returns to be certified, and Certificates to be Evidence.*
  4. *Proceedings commenced in Name of Officer not to be abated by his Death, &c., or by Change of Members of Society.*
  5. *Effect of Judgments, &c. against the Society.*
  6. *Bankruptcy, &c. of Officer not to affect Liability of Society.*
  7. *Service of Process on Society.*
  8. *Dissolution of Society not to prevent winding up of its Affairs.*
  9. *Suits pending against Trustees to be carried on against Officers appointed as aforesaid.*
  10. *Provisions of Friendly Societies Act incapacitating Trustees from suing till they shall have made to the Registrar a Financial Statement of Society's Affairs not to apply.*

Whereas by the Industrial and Provident Society's Act, 1852, it is enacted, "that all the provisions of the laws relating to friendly societies shall apply to every society to be constituted under the said act, except in so far as any such provision might be expressly varied by the said act, or by any rule expressly authorised to be made thereby;" and whereas it is expedient to vary the provisions of such laws in relation to societies registered under the act aforesaid, so far as concerns the manner in which legal proceedings shall be carried on in any matter concerning any such society: be it therefore enacted *As follows*—

*Sect. 1.* After the passing of this act no suit or proceeding shall be commenced or prosecuted by or against the trustees of any society registered under the Industrial and Provident Societies Act, 1852, except in the case hereinafter provided;

but all suits and proceedings, whether at law, in equity, or in bankruptcy or sequestration, or otherwise howsoever, as well in Great Britain and Ireland as in the colonies and dependencies thereof, by or on behalf of any such society, against any person or persons, whether bodies politic or others, and whether members or not of such society, shall be commenced and prosecuted in the name of one of the two officers for the time being appointed to sue and be sued on behalf of such society, and registered in pursuance of the directions for such appointment and registration respectively hereinafter contained; and all suits and proceedings, whether at law or in equity, or by or on behalf of any person or persons, whether bodies politic or others, and whether or not members of such society, against such society, shall be commenced and prosecuted against such officers, or if there shall be no such officer for the time being, then against the trustees of the said society.

2. Every such society shall, within one calendar month after the passing of this act, appoint two officers to sue or be sued on behalf thereof in manner aforesaid, and make or cause to be made a return to the Registrar of Friendly Societies of the names and descriptions of the officers so appointed; and every such society may from time to time remove any officer so appointed; and in case of the death, resignation, or removal of any such officer, the said society shall, within one calendar month thereafter, appoint in his stead another officer to sue and be sued on behalf of such society, and make or cause to be made a return to the said registrar as aforesaid, containing as well the name and description of the person who has ceased to be such officer in manner aforesaid as the name and description of the officer who has been appointed in his stead to sue and be sued on behalf of such society; and every such return shall be signed by three members of such society, and countersigned by the officers or officer so appointed, and shall be kept with the rules of the society; and in case any society should neglect or refuse to appoint any officers or officer to sue and be sued as aforesaid, the trustees of such society, or the majority of them, may appoint any members or member of such society to be such officers or officer, and shall forthwith make such return as last aforesaid under the hand of such trustees and such officers or officer; and every appointment so made shall be as effectual for all the purposes of this act as if it had been made by such society.

3. Any person shall be at liberty to require a copy of such return to be certified by the registrar; and there shall be paid for such certificate a fee of 1s. 6d., and no more; and the day of the registration of every return to be made in pursuance of this act shall be written on such return by the said registrar; and a copy, so certified as aforesaid, of such return, including the date to be marked thereon, shall be received in evidence in all proceedings, whether civil or criminal, and shall also be received as evidence of the day of the registering thereof.

4. No action, suit, or proceeding, whether civil or criminal, commenced either by or against any such society, (whether in the name of one of the officers appointed to sue and be sued as aforesaid, or of some member of such society, in the case and in manner aforesaid), shall be abated or prejudiced by the death or by any act of such officer or person, or by the resignation or removal of such officer either before or after the commencement of such action, suit, or proceeding, or by any change in the members of such society, but the same shall be continued in the name of such officer or member (as the case may be) notwithstanding such death or act, or such resignation or removal, and notwithstanding such change in the members of such society.

5. All judgments, decrees, interlocutors, and orders obtained in any such actions, suits, or other proceedings as aforesaid, against such officer or member, in manner aforesaid, whether such member or officer respectively be party to such actions, suits, or proceedings as plaintiff, pursuer, petitioner, or defendant or defender, shall have the same effect against the property and effects of such society as if such judgments, decrees, interlocutors, or orders had been obtained in suits or proceedings against the trustees of such society, and execution or diligence shall be issued thereon accordingly.

6. The bankruptcy, insolvency, or stopping payment of any officer or member of such society in his individual capacity shall not be construed to be the bankruptcy, insolvency, or stopping payment of such society; and the property and effects of such society shall, notwithstanding such bankruptcy, insolvency, or stopping payment, be liable to execution or diligence

in the same manner as if such bankruptcy, insolvency, or stopping payment had not taken place.

7. In all cases wherein it may be necessary for any person to serve any summons, demand, or notice, or any writ or other proceeding, at law or in equity, or otherwise, upon any such society, service thereof respectively on the secretary of the said society, or by leaving the same at the head office for the time being of the said society, or in case such secretary shall not be found or known, then service thereof on any agent or officer employed by the said society, or by leaving the same at the usual place of abode of such agent or officer, shall be deemed good and sufficient notice of the same respectively on such society.

8. In case of the dissolution of any such society, such society shall nevertheless be considered as subsisting, and be in all respects subject to the provisions of this act, so long and so far as any matters relating to the same remain unsettled, to the intent that such society may do all things necessary to the winding up of the concerns thereof, and that it may be sued and sue under the provisions of this act in respect of all matters relating to such society.

9. When any action, suit, or prosecution shall, at the passing of this act, be pending by or on behalf of or against the trustee or trustees of any society, the same shall and may be proceeded in by or against such registered officer as aforesaid, in the proper name or names of the person or persons commencing or defending the same; and such officer shall pay or receive like costs as if the action or suit had commenced in his or their name or names for the benefit of or to be reimbursed from the funds of such society.

10. The provisions of the laws relating to friendly societies, whereby the trustees of any society are declared incapable of prosecuting any action or proceeding in any court of law or equity on behalf of such society until they shall have duly furnished to the registrar a general statement of the funds and effects of such society, shall not apply to the prosecution of any action or other proceeding by the registered officer of any society registered under the Industrial and Provident Societies Act, 1852.

#### CAP. XXVI.

An Act to assimilate the Law and Practice existing in Cases of High Treason in Ireland to the Law and Practice existing in Cases of High Treason in England.

[3rd July, 1854.]

#### CAP. XXVII.

An Act for granting certain additional Rates and Duties of Excise.

[3rd July, 1854.]

#### CAP. XXVIII.

An Act to alter and amend certain Duties of Customs.

[3rd July, 1854.]

#### CAP. XXIX.

An Act to alter the Duties of Customs on Sugar, Molasses, and Spirits.

[10th July, 1854.]

#### CAP. XXX.

An Act for granting certain Duties of Excise on Sugar made in the United Kingdom.

[10th July, 1854.]

#### CAP. XXXI.

An Act for the better Regulation of the Traffic on Railways and Canals.

[10th July, 1854.]

Sec. 1. "Board of Trade:" "Traffic:" "Railway:" "Canal:" "Company." Stations.

2. Duty of Railway Companies to make Arrangements for receiving and forwarding Traffic, without unreasonable Delay, and without Partiality.

3. Parties complaining that reasonable Facilities for forwarding Traffic, &c. are withheld, may apply by Motion or Summons to the Superior Courts.

4. Judges may make such Regulations as may be necessary for Proceedings under this Act.

5. Court or Judge may order a Rehearing.

6. Mode of proceeding under this Act.

7. Company to be liable for Neglect or Default in the Carriage of Goods, notwithstanding Notice to the contrary. Company not to be liable beyond a

*limited Amount in certain Cases, unless the Value declared and extra Payment made. Proof of Value to be on the Person claiming Compensation. No special Contract to be binding unless signed. Saving of Carriers Act, 11 Geo. 4 & 1 Will. 4, c. 68.*

#### 8. Short Title.

Whereas it is expedient to make better provision for regulating the traffic on railways and canals: be it enacted &c. as follows:—

Sec. 1. In the construction of this act, "the Board of Trade" shall mean the Lords of the Committee of her Majesty's Privy Council for Trade and Foreign Plantations:

The word "traffic" shall include, not only passengers and their luggage, and goods, animals, and other things conveyed by any railway company or canal company, or railway and canal company, but also carriages, waggons, trucks, boats, and vehicles of every description adapted for running or passing on the railway or canal of any such company:

The word "railway" shall include every station of or belonging to such railway used for the purposes of public traffic: and,

The word "canal" shall include any navigation wherein tolls are levied by authority of Parliament, and also the wharfs and landing-places of and belonging to such canal or navigation, and used for the purposes of public traffic:

The expression "railway company," "canal company," or "railway and canal company," shall include any person being the owner or lessee of, or any contractor working, any railway or canal or navigation constructed or carried on under the powers of any act of Parliament:

A station, terminus, or wharf shall be deemed to be near another station, terminus, or wharf when the distance between such stations, termini, or wharfs shall not exceed one mile, such stations not being situate within five miles from St. Paul's Church, in London.

2. Every railway company, canal company, and railway and canal company shall, according to their respective powers, afford all reasonable facilities for the receiving and forwarding and delivering of traffic upon and from the several railways and canals belonging to or worked by such companies respectively, and for the return of carriages, trucks, boats, and other vehicles, and no such company shall make or give any undue or unreasonable preference or advantage to or in favour of any particular person or company, or any particular description of traffic, in any respect whatsoever, nor shall any such company subject any particular person or company, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever; and every railway company, and canal company, and railway and canal company, having or working railways or canals which form part of a continuous line of railway or canal or railway and canal communication, or which have the terminus, station, or wharf of the one near the terminus, station, or wharf of the other, shall afford all due and reasonable facilities for receiving and forwarding all the traffic arriving by one of such railways or canals by the other, without any unreasonable delay, and without any such preference or advantage, or prejudice or disadvantage, as aforesaid, and so that no obstruction may be offered to the public desirous of using such railways or canals or railways and canals as a continuous line of communication, and so that all reasonable accommodation may, by means of the railways and canals of the several companies, be at all times afforded to the public in that behalf.

3. It shall be lawful for any company or person complaining against any such companies or company of anything done, or of any omission made, in violation or contravention of this act, to apply in a summary way, by motion or summons, in England to her Majesty's Court of Common Pleas at Westminster, or in Ireland to any of her Majesty's superior Courts in Dublin, or in Scotland to the Court of Session in Scotland, as the case may be, or to any judge of any such court; and upon the certificate to her Majesty's Attorney-General in England or Ireland, or her Majesty's Lord Advocate in Scotland, of the Board of Trade, alleging any such violation or contravention of this act by any such companies or company, it shall also be

lawful for the said Attorney-General or Lord Advocate to apply in like manner to any such court or judge, and in either of such cases it shall be lawful for such court or judge to hear and determine the matter of such complaint; and for that purpose, if such court or judge shall think fit, to direct and prosecute, in such mode and by such engineers, barristers, or other persons as they shall think proper, all such inquiries as may be deemed necessary to enable such court or judge to form a just judgment on the matter of such complaint; and if it be made to appear to such court or judge on such hearing, or on the report of any such person, that anything has been done, or omission made, in violation or contravention of this act, by such company or companies, it shall be lawful for such court or judge to issue a writ of injunction or interdict, restraining such company or companies from further continuing such violation or contravention of this act, and enjoining obedience to the same; and in case of disobedience of any such writ of injunction or interdict it shall be lawful for such court or judge to order that a writ or writs of attachment, or any other process of such court incident or applicable to writs of injunction or interdict, shall issue against any one or more of the directors of any company, or against any owner, lessee, contractor, or other person, failing to obey such writ of injunction or interdict; and such court or judge may also, if they or he shall think fit, make an order directing the payment by any one or more of such companies of such sum of money as such court or judge shall determine, not exceeding for each company the sum of 200*l.* for every day, after a day to be named in the order, that such company or companies shall fail to obey such injunction or interdict; and such monies shall be payable as the court or judge may direct, either to the party complaining, or into court, to abide the ultimate decision of the court, or to her Majesty, and payment thereof may, without prejudice to any other mode of recovering the same, be enforced by attachment or order in the nature of a writ of execution, in like manner as if the same had been recovered by decree or judgment in any superior court at Westminster or Dublin, in England or Ireland, and in Scotland by such diligence as is competent on an extracted decree of the Court of Session; and in any such proceeding as aforesaid such court or judge may order and determine that all or any costs thereof or thereon incurred shall and may be paid by or to the one party or the other, as such court or judge shall think fit; and it shall be lawful for any such engineer, barrister, or other person, if directed so to do by such court or judge, to receive evidence on oath relating to the matter of any such inquiry, and to administer such oath.

4. It shall be lawful for the said Court of Common Pleas at Westminster, or any three of the judges thereof, of whom the Chief Justice shall be one, and it shall be lawful for the said Courts in Dublin, or any nine of the judges thereof, of whom the Lord Chancellor, the Master of the Rolls, the Lords Chief Justice of the Queen's Bench and Common Pleas, and the Lord Chief Baron of the Exchequer, shall be five, from time to time to make all such general rules and orders as to the forms of proceedings and process, and all other matters and things touching the practice and otherwise in carrying this act into execution before such courts and judges, as they may think fit, in England or Ireland, and in Scotland it shall be lawful for the Court of Session to make such acts of sederunt for the like purpose as they shall think fit.

5. Upon the application of any party aggrieved by the order made upon any such motion or summons as aforesaid, it shall be lawful for the court or judge by whom such order was made to direct, if they think fit so to do, such motion or application on summons to be reheard before such court or judge, and upon such rehearing to rescind or vary such order.

6. No proceeding shall be taken for any violation or contravention of the above enactments, except in the manner herein provided; but nothing herein contained shall take away or diminish any rights, remedies, or privileges of any person or company against any railway or canal or railway and canal company under the existing law.

7. Every such company as aforesaid shall be liable for the loss of or for any injury done to any horses, cattle, or other animals, or to any articles, goods, or things, in the receiving, forwarding, or delivering thereof, occasioned by the neglect or default of such company or its servants, notwithstanding any notice, condition, or declaration made and given by such company contrary thereto, or in anywise limiting such liability, every such notice, condition, or declaration being hereby de-

clared to be null and void: provided always, that nothing herein contained shall be construed to prevent the said companies from making such conditions with respect to the receiving, forwarding, and delivering of any of the said animals, articles, goods, or things as shall be adjudged by the court or judge before whom any question relating thereto shall be tried to be just and reasonable: provided always, that no greater damages shall be recovered for the loss of or for any injury done to any of such animals beyond the sums hereinafter mentioned: (that is to say), for any horse, 50*l.*; for any neat cattle, per head, 15*l.*; for any sheep or pigs, per head, 2*l.*; unless the person sending or delivering the same to such company shall, at the time of such delivery, have declared them to be respectively of higher value than as above mentioned, in which case it shall be lawful for such company to demand and receive, by way of compensation for the increased risk and care thereby occasioned, a reasonable per-centage upon the excess of the value so declared above the respective sums so limited as aforesaid, and which shall be paid in addition to the ordinary rate of charge; and such per-centage or increased rate of charge shall be notified in the manner prescribed in the stat. 11 Geo. 4 & 1 Will. 4, c. 68, and shall be binding upon such company in the manner therein mentioned: provided also, that the proof of the value of such animals, articles, goods, and things, and the amount of the injury done thereto, shall in all cases lie upon the person claiming compensation for such loss or injury: provided also, that no special contract between such company and any other parties respecting the receiving, forwarding, or delivering of any animals, articles, goods, or things as aforesaid, shall be binding upon or affect any party unless the same be signed by him or by the person delivering such animals, articles, goods, or things respectively for carriage: provided also, that nothing herein contained shall alter or affect the rights, privileges, or liabilities of any such company under the said act of the 11 Geo. 4 & 1 Will. 4, c. 68, with respect to articles of the descriptions mentioned in the said act.

8. This act may be cited for all purposes as "The Railway and Canal Traffic Act, 1854."

(To be continued).

## London Gazettes.

FRIDAY, AUGUST 18.

### BANKRUPTS.

HENRY KNAPP, late of Cirencester-place, New-road, but now of Chelsea, Middlesex, builder, Aug. 31 and Oct. 4 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Huson, 7, Ironmonger-lane.—Petition filed Aug. 16.

THOMAS MARSON, South-place, Finsbury, London, dealer in horses, dealer and chapman, Sept. 4 at half-past 11, and Oct. 11 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Smith & Son, 6, Barnard's-inn.—Petition filed Aug. 18.

SIDNEY MILNES HAWKES, Anchor Brewery, Britten-street, Chelsea, Middlesex, brewer, dealer and chapman, Sept. 4 at 12, and Sept. 30 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Marten & Co., 31 and 35, Commercial Sale-rooms, Mincing-lane.—Petition filed Aug. 5.

SAMUEL HELBERT ELLIS the younger, Stock Exchange, London, dealer in stocks and shares, dealer and chapman, Sept. 2 at 1, and Sept. 30 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Eady, 15, Hatton-garden.—Petition filed Aug. 15.

HENRY ALFRED MATHEWS, Camberwell-green, Camberwell, Surrey, boarding-house keeper, victualler, dealer and chapman, Aug. 26 at 12, and Sept. 27 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Wilkinson & Co., 2, Nicholas-lane, City.—Petition filed Aug. 16.

GEORGE THOMAS CHANTRY, Birmingham, paper box manufacturer, Sept. 1 at 12, and Sept. 28 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Standbridge, Birmingham.—Petition dated Aug. 16.

SAMUEL ROUTLEDGE, Huddersfield, Yorkshire, dyer, dealer and chapman, Sept. 4 and Oct. 5 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Floyd & Son, Huddersfield; Bond & Barwick, Leeds.—Petition dated Aug. 15.



**ROBERT TRIPP**, St. Michael's-chambers, St. Michael's-alley, Cornhill, London, and Hereford-road, Bayswater, Middlesex, (but a prisoner for debt in the Queen's Prison), dealer in railway and mining shares, dealer and chapman, Aug. 28 at half-past 12, and Sept. 26 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Goddard & Eyre, 101, Wood-street, Cheapside.—Petition filed Aug. 4.

**HENRY BREWER**, Ross, Herefordshire, innkeeper and victualler, dealer and chapman, Aug. 29 and Sept. 26 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Wilkes, Gloucester.—Petition filed Aug. 5.

**HENRY SCARLETT**, Huddersfield, Yorkshire, common brewer, dealer and chapman, Aug. 28 at 12, and Oct. 5 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. J. & W. Sykes, Huddersfield; Bond & Barwick, Leeds.—Petition dated Aug. 16.

**THOMAS DEANS**, Blackburn, Lancashire, draper, dealer and chapman, Sept. 1 and 30 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sols. Cobbett & Wheeler, Manchester.—Petition filed Aug. 8.

## MEETINGS.

*J. Milligan*, Chorlton-upon-Medlock, Manchester, draper, Aug. 30 at 12, District Court of Bankruptcy, Manchester, ch. ass.—*Henry Hartley*, Trawdon, near Colne, Lancashire, cotton manufacturer, Aug. 28 at 12, District Court of Bankruptcy, Manchester, last ex.—*Benjamin Boothby* the elder and *Benj. Boothby* the younger, Nottingham, ironfounders, Sept. 5 at 10, District Court of Bankruptcy, Nottingham, and. ac.—*William Henry Ludford*, Gloucester, brushseller, Aug. 31 at 11, District Court of Bankruptcy, Bristol, and. ac.—*Thomas Edwards*, Newport, Monmouthshire, ironfounder, Oct. 3 at 11, District Court of Bankruptcy, Bristol, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Nathan Langlands*, Dartford, Kent, grocer, Sept. 7 at 1, Court of Bankruptcy, London.—*Sir Ewan Mackenzie*, Bart., St. Helen's-place, Bishopsgate-street, London, merchant, Oct. 4 at 2, Court of Bankruptcy, London.—*T. Jones Burton* and *Baker John Gabb*, Wigmore-street, Cavendish-square, Middlesex, church furnishers, Sept. 21 at 11, Court of Bankruptcy, London.—*George Stanley*, Queen-street, London, and Bruton-street, Bond-street, Middlesex, fishing-tackle maker, Sept. 21 at 2, Court of Bankruptcy, London.—*Owen Evans*, Westbourne-terrace, Hyde-park, Middlesex, surgeon, Sept. 8 at 2, Court of Bankruptcy, London.—*Samuel James Bird*, Weston, Bath, Somersetshire, brewer, Sept. 13 at 11, District Court of Bankruptcy, Bristol.—*William Henry Turner*, Brecon, innkeeper, Sept. 12 at 11, District Court of Bankruptcy, Bristol.—*James Bowerman*, Gloucester, common brewer, Sept. 12 at 11, District Court of Bankruptcy, Bristol.—*Richard Latham* the younger, Bristol, leather dealer, Sept. 12 at 11, District Court of Bankruptcy, Bristol.—*Samuel Walton*, Macclesfield, Cheshire, silk manufacturer, Sept. 13 at 12, District Court of Bankruptcy, Manchester.

## PETITION ANNULLED.

*Charles Mee*, Bath, Berlin wool repository.

## PARTNERSHIP DISSOLVED.

*Wm. Hartcup* and *Edward Hobart Barlee*, Bungay, Suffolk, attorneys and solicitors.

## INSOLVENT DEBTOR

*Who has filed his Petition in the Court of Bankruptcy, and has obtained an Interim Order for Protection from Process.*

*Wm. Swain*, Sheffield, Yorkshire, razor grinder, Sept. 6 at 12, County Court of Yorkshire, at Sheffield.

*County Court of Lancashire, at Lancaster. Assignees have been appointed in the following Cases:—*

*James Allen*, Heaton Norris, near Manchester, out of business, No. 78,307; *J. W. Owen*, assignee.—*Thos. Gibson*, Manchester, out of business, No. 78,334; *Joseph W. Owen*, assignee.—*B. Smith*, Raughton, near Blackburn, licensed victualler, No. 77,543; *Thos. Thwaites*, assignee.—*A. Pimblett*, Bolton-le-Moors, out of business, No. 77,827; *Charles Hunt*, assignee.—*J. Gregson*, Bolton-le-Moors, draper, No. 78,332; *Charles Skelton*, assignee.—*Thos. Kidd*, Manchester, potato dealer, No. 78,338; *D. B. Fletcher*, assignee.—*J. Sutcliffe*,

Manchester, pawnbroker, No. 78,410; *T. Lomas*, assignee.—*Charles Whitehead*, Preston, out of business, No. 78,429; *John T. Blackhurst*, assignee.—*George Cook*, Salford, wheelwright, No. 78,286; *R. E. Bibby*, assignee.—*Thomas Lancashire*, Newton Heath, near Manchester, out of business, No. 78,426; *John Abbot*, assignee.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Lancashire, at MANCHESTER, Sept. 1 at 11.*

*Alice Clark*, widow, Manchester, out of business.—*Mary Ann Ainscow*, widow, Hindley, near Wigan, out of business.—*James Scott*, Blackburn, retail dealer in ale.—*G. Sherlock*, Hulme, Manchester, joiner.—*John Carr*, Manchester, butcher.—*Robert Ferguson*, Liverpool, plumber.—*Robert Jones*, Salford, out of business.—*Joseph Bonehill*, Hulme, Manchester, out of business.—*Thomas Pent*, Manchester, grocer.—*S. Whiteley*, Salford, out of business.—*Thomas Lord*, Todmorden, schoolmaster.—*John Lord*, Rochdale, out of business.—*S. Lord*, Burnley, out of business.—*W. Irlam*, Manchester, out of business.—*J. Sharrod*, Rock Ferry, near Liverpool, out of business.—*W. Gowanlock*, Little Bolton, Bolton-le-Moors, out of business.—*J. J. Bradshaw*, Stretford, out of business.—*John Gowers* the younger, Lancaster, joiner.—*Isaac Sumner*, Heaton Norris, near Manchester, out of business.—*J. Allen*, Gorton-brook, near Manchester, out of business.—*Thos. Dugelby*, Little Bolton, Bolton-le-Moors, beerseller.—*Wm. Baker* the elder, Manchester, bobbin turner.—*Wm. Baker* the younger, Manchester, rag dealer.—*Joseph Hodson*, Hulme, Manchester, baker.—*William Swindlehurst*, Preston, out of business.—*Joseph Bohanna*, Manchester, out of business.—*Thomas C. Johnstone*, Manchester, floor-cloth dealer.—*Thos. Maddocks*, Birkenhead, near Liverpool, baker.—*Harry Ellis Wernaby*, Birkenhead, Cheshire, bookkeeper.—*C. Hopwood*, Manchester, milk seller.—*James Driver*, Manchester, grocer.—*Edward Beardsworth*, Blackburn, hairdresser.—*William Kent*, Oldham, beerseller.

*At the County Court of Sussex, at LEWES, Sept. 5.*

*Thomas Brown*, Hove, baker.—*John Stevens*, Brighton, builder.

*At the County Court of Yorkshire, at SHEFFIELD, Sept. 6 at 12.*

*Ann Barker*, Shalesmoor, Sheffield, out of business.

*At the County Court of Yorkshire, at KINGSTON-UPON-HULL, Sept. 8.*

*George Marjoram*, Kingston-upon-Hull, out of business.

*At the County Court of Lincolnshire, at LINCOLN, Sept. 19 at 12.*

*Wm. Buffam*, Mablethorpe, out of business.—*J. Arncliffe*, Wisbeach, Cambridgeshire, corn porter.

## INSOLVENT DEBTORS' DIVIDENDS.

*John Nicholson*, Drury-lane, Middlesex, out of business: 7s. 5d. in the pound.—*Edward Crook*, Edgeworth, Lancashire, labourer: 20s. in the pound.—*Wm. Havelock*, East Teignmouth, Devonshire, gentleman: 2s. 11½d. (making 11s. 2½d.) in the pound.—*Frederick J. White*, Bridgend, Glamorganshire, half-pay officer, Royal Marines: 9d. in the pound.—*Henry A. Hart*, Lamb's Conduit-street, St. George-the-Martyr, Middlesex, linendraper: 1s. in the pound.—*James Terry*, Fox-place, Sandy-hill, Plumstead, Kent, baker: 2s. in the pound.

*Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn, London, between the hours of 11 and 3.*

TUESDAY, August 22.

## BANKRUPTS.

**EBENEZER KEMPSTER**, MACKENZIE GRIFFITHS, CORNELIUS PROUT NEWCOMBE, and FRANCIS THOMAS GRIFFITHS, Gracechurch-street, London, and Liverpool, shipowners and ship and insurance brokers, (carrying on business under the style and firm of Griffiths, Newcombe, & Co.), Aug. 30 at 1, and Sept. 27 at half-past 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Lawrence & Co., Old Jewry-chambers, City.—Petition filed Aug. 21.

**JOHN M'CALLA** and **ALEXANDER FOTHERINGHAM**, Friday-street, Cheapside, London, warehousemen and commission agents, Aug. 30 and Sept. 27 at 2, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Murray, London-street, Fenchurch-street.—Petition filed Aug. 21.

**GEORGE PRINCE** and **JAMES PRINCE**, Regent-street, and Carlton-street, Regent-street, Westminster, Middlesex, wine and cigar merchants, dealers and chapmen, (proprietors of the club called and known as Prince's Club), Aug. 30 and Sept. 27 at half-past 2, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Chidley, Gresham-street, City.—Petition filed June 10.

**GEORGE HAMMOND**, King's-row, Walworth, Surrey, carpenter, builder, dealer and chapman, Aug. 30 at 1, and Sept. 27 at half-past 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Robinson, 29, Ironmonger-lane.—Petition filed Aug. 18.

**CHARLES HENRY TUGMAN** and **JAMES EVENS TUGMAN**, Great Tower-street, London, provision merchants, (trading under the style or firm of C. H. & J. E. Tugman), Sept. 7 at 2, and Oct. 9 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Lawrence & Co., 14, Old Jewry-chambers, Old Jewry.—Petition filed Aug. 18.

**THOMAS MAIN**, late of King-street, Queen-street, Southwark-bridge-road, but now of Albert-street, Penton-place, Walworth, Surrey, engineer, Sept. 2 at half-past 1, and Oct. 9 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Mote, 16, Thornhill-square, Islington.—Petition filed Aug. 9.

**RICHARD BENCH**, Birmingham, flour dealer and baker, Sept. 4 and Oct. 2 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Baker, Birmingham.—Petition dated Aug. 18.

**HENRY WILSON**, Old Swindon, Wiltshire, grocer, cheese-monger, bacon factor, dealer and chapman, Sept. 5 and Oct. 3 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Haines & Son, Farrington, Berkshire; Bervan & Girling, Bristol.—Petition filed Aug. 18.

**BENJAMIN SMITH**, Kildwick, Yorkshire, worsted spinner and manufacturer, Sept. 5 at 12, and Oct. 3 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Taylor, Bradford; Blackburn, Leeds.—Petition dated Aug. 12.

**ALEXANDER SMITH**, Liverpool, merchant, dealer and chapman, Sept. 4 and 27 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Casenove; Sols. Duncan & Co., Liverpool.—Petition filed Aug. 15.

**HUGH BROWN**, Liverpool, merchant, Sept. 1 and 29 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Harvey & Co., Liverpool.—Petition filed Aug. 17.

#### MEETINGS.

**Samuel Barnes**, Oldham, Lancashire, machine maker, Sept. 7 at 12, District Court of Bankruptcy, Manchester, last ex.—**Joshua Crowther** and **Wm. Dickinson** the younger, Manchester, Manchester warehousemen, Sept. 4 at 12, District Court of Bankruptcy, Manchester, last ex.—**Frederick Dimesdale**, King's Arms-yard, Coleman-st., London, dealer in iron, Sept. 6 at 11, Court of Bankruptcy, London, aud. ac.—**Josiah Bowrin**, Walsall, Staffordshire, currier, Sept. 28 at 10, District Court of Bankruptcy, Birmingham, aud. ac.; Oct. 5 at 12, div.—**Joseph Boycot**, Kidderminster, Worcestershire, draper, Sept. 15 at 12, District Court of Bankruptcy, Birmingham, fin. div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

**Thomas Bray**, Chelmsford, Essex, architect, Sept. 14 at 12, Court of Bankruptcy, London.—**Thos. Clements**, St. Helen's, Lancashire, grocer, Sept. 15 at 11, District Court of Bankruptcy, Liverpool.—**Jeremiah Billingham** and **Jesse Billingham**, Cradley Heath, Staffordshire, chain makers, Oct. 12 at 10, District Court of Bankruptcy, Birmingham.—**J. Adams**, Longton, Staffordshire, china manufacturer, Oct. 12 at 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

**George Butler**, Nicholas-lane, Lombard-st., London, auctioneer.—**John Harrison**, Sunderland, Durham, licensed victualler.—**John Sagar**, Birkenhead, Cheshire, brewer.—**Crosby Leighton**, Liverpool, grocer.—**Thomas Carey Willard Pierce**,

Manchester, merchant.—**Richard Guleston Wollaston**, Bishop's Castle, Shropshire, surgeon.—**Thos. Adkins**, Bedworth, Warwickshire, grocer.—**John Patterson**, Atherstone, Warwickshire, market gardener.

#### PETITIONS ANNULLED.

**James Hart**, Borough-road, Southwark, Surrey, engineer.—**Frederick Miller**, Newport, Essex, corn merchant.—**Wm. Pilling**, Manchester, publican.

#### SCOTCH SEQUESTRATIONS.

**James Noble**, Edinburgh, hotel keeper.—**James M'Nair**, Glasgow, temperance hotel keeper.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

**Wm. Roberts**, Bentley, near Alton, Hampshire, licensed victualler, Sept. 12 at 11, County Court of Hampshire, at Alton.—**Thos. Menck**, Portsea, Southampton, dealer in pastry, Sept. 8 at 11, County Court of Hampshire, at Portsmouth.—**Jesse Barton**, Maidstone, Kent, printer, Sept. 5 at 12, County Court of Kent, at Maidstone.—**Isaac Jenner**, Brighton, Sussex, retailer of beer, Aug. 26 at 10, County Court of Sussex, at Brighton.—**John Kayley**, Burnley, Lancashire, temperance hotel keeper, Oct. 5 at 11, County Court of Lancashire, at Burnley.—**Henry Palmer**, Gayton, Norfolk, farmer, Sept. 6 at 3, County Court of Norfolk, at King's Lynn.—**J. Andrews**, Tilney St. Lawrence, Norfolk, farmer, Sept. 6 at 3, County Court of Norfolk, at King's Lynn.—**George Sydney Davies**, Tyr Berlau, Crickhowell, Brecknockshire, attorney-at-law, Sept. 7 at 11, County Court of Brecknockshire, at Crickhowell.—**John Salmon**, St. Colomb Minor, Cornwall, out of business, Sept. 15 at 1, County Court of Cornwall, at St. Colomb Major.

*Saturday, Aug. 19.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

**John Wood**, Liverpool, watchmaker, No. 78,181 C.; Chas. Critchley, assignee.—**John Barnes**, Walmer, Kent, sutler, No. 78,229 C.; Samuel Rogers, assignee.—**Joseph Green**, Sheffield, butter factor, No. 78,243 C.; William Bishop, assignee.—**Joseph Hardmeat**, King's Lynn, Norfolk, ironmonger, No. 78,441 C.; Henry Bradfield Plowright, assignee.—**D. Woodhead**, Hulme, Manchester, out of business, No. 77,773 C.; James Smith and Abraham Littlewood, assignees.—**Jas. Sutcliffe**, Manchester, provision-shop keeper, No. 78,410 C.; Thomas Lomas, assignee.

*Saturday, Aug. 19.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

**Henry Edw. Young**, Brentwood, Essex, licensed victualler: in the Debtors Prison for London and Middlesex.—**Robt. Jas. Pearson**, St. John's-square, Clerkenwell, Middlesex, tassel manufacturer: in the Debtors Prison for London and Middlesex.—**Wm. Dolden**, Roadside, Mile-end, Middlesex, shoemaker: in the Debtors Prison for London and Middlesex.—**Frederick Waller Prince**, Caroline-place, Hampstead-road, Middlesex, gunmaker: in the Queen's Prison.—**G. Glenny**, Dunganon-house, Walham-green, Middlesex, landscape gardener: in the Debtors Prison for London and Middlesex.—**J. Falkner**, Manchester, butter dealer: in the Gaol of Lancaster.—**George Rusling**, Manchester, out of business: in the Gaol of Lancaster.—**Joseph Hodson**, Manchester, baker: in the Gaol of Lancaster.—**John James Bradshaw**, Stretford, near Manchester, out of business: in the Gaol of Lancaster.—**J. Allen**, Gorton Brook, near Manchester, out of business: in the Gaol of Lancaster.—**William Gowanlock**, Little Bolton, Bolton-le-Moors, Lancashire, out of business: in the Gaol of Lancaster.—**Thomas Lord**, Todmorden, Lancashire, out of business: in the Gaol of Lancaster.—**John Lord**, Rochdale, Lancashire, out of business: in the Gaol of Lancaster.—**John Gowers** the younger, Lancaster, joiner: in the Gaol of Lancaster.—**Wm. Irlam**, Manchester, calenderer: in the Gaol of Lancaster.—**Simeon Lord**, Fulledge Meadow, Burnley, Lancashire, out of business: in the Gaol of Lancaster.—**Joseph Sharrod**, Rock Ferry, near Liverpool, out of business: in the

Gaol of Lancaster.—*John Wm. Cooper*, Rothley, Leicester-shire, baker: in the Gaol of Leicester.—*J. Stevens*, Brighton, Sussex, builder: in the Gaol of Lewes.—*Jacob R. Owen*, Castlegate, Yorkshire, out of business: in the Gaol of York.—*Charles Hopwood*, Manchester, milk seller: in the Gaol of Lancaster.—*Henry James*, Liverpool, plumber: in the Gaol of Lancaster.—*Edward Beardsworth*, Blackburn, Lancashire, hairdresser: in the Gaol of Lancaster.—*Wm. Kent*, Oldham, Lancashire, hatter: in the Gaol of Lancaster.—*Harry Ellis Wartinaby*, Birkenhead, Cheshire, bookkeeper: in the Gaol of Lancaster.—*James Driver*, Manchester, grocer: in the Gaol of Lancaster.—*Wm. Brindley*, Deptford, Kent, papier maché manufacturer: in the Gaol of Maidstone.—*Milbourn Wilkin Polley*, South Weald, Essex, out of business: in the Gaol of Springfield.—*Thomas D. Parke*, Maldon, Essex, master mariner: in the Gaol of Springfield.—*Wm. Helyer*, Portsea, Southampton, baker: in the Gaol of Winchester.—*John F. Lupton*, Sheffield, out of business: in the Gaol of York.—*J. Barnes*, Grantham, Lincolnshire, dealer in coals: in the Gaol of Lincoln.—*George Ballemy*, Eastington, Okehampton, Devonshire, out of business: in the Gaol of St. Thomas-the-Apostle.—*R. Hicks*, Ottery St. Mary, Devonshire, labourer: in the Gaol of St. Thomas-the-Apostle.—*H. Early*, Weston-super-Mare, Somersetshire, tailor: in the Gaol of Wilton.—*Edwin Hayward*, Bath, Somersetshire, out of business: in the Gaol of Wilton.—*Joseph R. Simpson*, Sheffield, Yorkshire, out of business: in the Gaol of York.—*Wm. H. E. Bernard*, Bideford, Devonshire, attorney-at-law: in the Gaol of St. Thomas-the-Apostle.—*Charles Moody*, Newport, Isle of Wight, Southampton, tailor: in the Gaol of Winchester.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Kent, at MAIDSTONE, Sept. 5 at 12.*

*P. W. Foord*, Hythe, out of business.

*At the County Court of Essex, at CHELMSFORD, Sept. 7 at 12.*

*M. W. Polley*, South Weald, out of business.—*Thomas D. Parke*, Heybridge, Maldon, master mariner.

*At the County Court of Norfolk, at the Shirehall, NORWICH CASTLE, Sept. 29 at 10.*

*James C. Fisher*, Norwich, out of business.

#### INSOLVENT DEBTORS' DIVIDENDS.

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# The Jurist

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LONDON, SEPTEMBER 2, 1854.

THE Common-law Amendment Act, recently passed, makes a further and wider step towards the amalgamation of law and equity than anything yet attempted. There are some things in which the act makes courts of common law more equitable than equity itself, and gives them powers of racking the conscience, at the bare mention of which a few years ago an equity judge would have stood aghast, and the existence of which a pure common-law judge would have deemed impossible, and if possible, fatal to the constitution.

By the 51st section, for instance, a defendant may, in support of his plea, deliver written interrogatories to the plaintiff, requiring discovery, which the plaintiff must answer, as an old Chancery defendant was bound to answer the bill.

Again: by the 48th section, any person who, in a proceeding which may be made by affidavits, refuses to make an affidavit, may be compelled to appear, and be examined as a witness, either before the Court or before a Master of the court.

The two subjects, however, on which the great step towards amalgamation has been made, are the action of mandamus, and the pleading of equitable defences. In any action, except replevin and ejectment, the plaintiff at law may have a writ of mandamus commanding the defendant to fulfil any duty in the fulfilment of which the plaintiff is personally interested. This, if liberally construed, will go far beyond the bill for specific performance, which, as equity practitioners know, is ham-

pered by many formal and conventional difficulties. At the common law, it seems clear, that a party will now be able to sue for damages, or, in the alternative, for, in effect, specific performance, wherever specific performance is rationally practicable; and that he will obtain whichever he desires, assuming him to shew ground for the relief that he seeks.

The 79th, 80th, 81st, and 82nd clauses give to Courts of law the entire jurisdiction by injunction, hitherto exclusively possessed by Courts of equity. As we understand these clauses, in almost every imaginable case in which a plaintiff, claiming a legal right, might have filed a bill and moved for an injunction, he may now do so at law, in the action brought to try the legal right. Waste, patent, copyright, nuisance, breach of contract—these, and others, in which bills were filed, and injunctions asked, to protect the right or property, pending the inquiry into the legal right, will be cases in which, the action being brought to try the right, an injunction may be moved for at common law.

No doubt, in applying this new jurisdiction, the Courts of law will pay great respect to, and probably follow, the principles on which it has been hitherto administered in equity; but that, so far from making the step less a step towards amalgamation, will only make it more so.

Next comes the 83rd section, which in certain actions authorises defence on equitable grounds—that is, in any case in which, "if judgment were obtained, he (the party) would be entitled to relief against such judgment on equitable grounds."

This is, in fact, an investiture of Courts of common law with a vast equitable jurisdiction—a jurisdiction strictly and literally equitable, because it is only to arise in cases where relief could before be obtained in equity, against the judgment at law; consequently the Court of law will be bound, before it acts on the equitable defence, to determine, on the principles of equity and the authorities recognised by Courts of equity, whether such a defence would have induced a Court of equity to act, to deprive the party having the judgment, of the benefit of it.

For a time, at least, some additional labour, in the way of legal study, will be cast upon the gentlemen who shall practise at the common law, or, what is still more probable, equity men will be imported to assist in arguing equitable common-law causes, if we may venture on the expression, just as common-law counsel are now occasionally imported in the courts of equity and the examiner's office to examine witnesses. Thus fusion has commenced, and no one can venture to predict that there will in a few years be more than one general Bar—at least, as far as regards juniors.

We are not here to discuss the advantage or propriety of the change; it seems a *fait accompli*; and valeat quantum, the change must and will take place.

#### PUBLIC EXAMINATION.—MICH. TERM, 1854.

THE Council of Legal Education have approved of the following rules for the public examination of the students.

The attention of the students is requested to the following rules of the Inns of Court:—

“As an inducement to students to propose themselves for examination, studentships shall be founded of fifty guineas per annum each, to continue for a period of three years, and one such studentship shall be conferred on the most distinguished student at each public examination; and further, the examiners shall select and certify the names of three other students who shall have passed the next best examinations, and the Inns of Court to which such students belong may, if desired, dispense with any terms, not exceeding two, that may remain to be kept by such students previously to their being called to the Bar. Provided that the examiners shall not be obliged to confer or grant any studentship or certificate unless they shall be of opinion that the examination of the students they select has been such as entitles them thereto.”

“At every call to the Bar those students who have passed a public examination, and either obtained a studentship or a certificate of honour, shall take rank in seniority over all other students who shall be called on the same day.”

“No student shall be eligible to be called to the Bar who shall not either have attended during one whole year the lectures of two of the Readers, or have satisfactorily passed a public examination.”

#### RULES FOR THE PUBLIC EXAMINATION OF CANDIDATES FOR HONOURS, OR CERTIFICATES ENTITLING STUDENTS TO BE CALLED TO THE BAR.

An examination will be held in next Michaelmas Term, to which a student of any of the Inns of Court, who is desirous of becoming a candidate for a studentship or honours, or of obtaining a certificate of fitness for being called to the Bar, will be admissible.

Each student proposing to submit himself for examination will be required to enter his name at the treasurer's office of the Inn of Court to which he belongs on or before Monday, the 23rd day of October next; and he will further be required to state in writing whether his object in offering himself for examination is to compete for a studentship or other honourable

distinction, or whether he is merely desirous of obtaining a certificate preliminary to a call to the Bar.

The examination will commence on Monday, the 30th day of October next, and will be continued on the Tuesday and Wednesday following.

It will take place in the Benchers' Reading-room of Lincoln's-inn; and the doors will be closed ten minutes after the time appointed for the commencement of the examination.

The examination by printed questions will be conducted in the following order:—

Monday morning, the 30th October, at half-past nine, on Constitutional Law and Legal History; in the afternoon, at half-past one, on Equity.

Tuesday morning, the 31st October, at half-past nine, on Common Law; in the afternoon, at half-past one, on the Law of Real Property, &c.

Wednesday morning, the 1st November, at half-past nine, on Jurisprudence and the Civil Law; in the afternoon, at half-past one, a paper will be given to the students including questions bearing upon all the foregoing subjects of examination.

The oral examination will be conducted in the same order, during the same hours, and on the same subjects, as those already marked out for the examination by printed questions, except that on Wednesday afternoon there will be no oral examination.

The oral examination of each student will be conducted apart from the other students; and the character of that examination will vary, according as the student is a candidate for honours or a studentship, or desires simply to obtain a certificate.

The oral examination and printed questions will be founded on the books below mentioned, regard being had, however, to the particular object with a view to which the student presents himself for examination.

In determining the question, whether a student has passed the examination in such a manner as to entitle him to be called to the Bar, the examiners will principally have regard to the general knowledge of law and jurisprudence which he has displayed.

A student may present himself at any number of examinations, until he shall have obtained a certificate.

Any student who shall obtain a certificate may present himself a second time for examination as a candidate for the studentship, but only at one of the three examinations immediately succeeding that at which he shall have obtained such certificate; provided, that if any student so presenting himself shall not succeed in obtaining the studentship, his name shall not appear in the list.

Students who have kept more than eleven terms shall not be admitted to an examination for the studentship.

THE READERS ON CONSTITUTIONAL LAW AND LEGAL HISTORY will expect all students to answer any general questions relating to the History of England, and to know the outlines of Constitutional Law.

The candidates for distinction will be expected to know the progress of our institutions, and the changes of our Constitutional Government. They will be particularly examined as to the struggles in the Reigns of Edward III and Richard II; to give an account of the remarkable State Trials down to the end of Queen Anne; and to be thoroughly and minutely conversant with the History of the Reigns of Henry VIII, Elizabeth, the House of Stuart, and William III.

Books for the ordinary examination will be Rapin, Hallam, Creasy on the Constitution, and Sullivan's Lectures.

Those for candidates for distinction will be the State Trials, Parliamentary History, Clarendon, Burnet, Millar, Rapin, Tindal, and Blackstone's Commentaries.

The READER on EQUITY proposes to examine in the following books:—

1. Smith's Manual of Equity Jurisprudence; Fonblanque on Equity, vol. 1; the Act for the Improvement of Equity Jurisdiction, 15 & 16 Vict. c. 86.

2. Mitford on Pleadings in the Court of Chancery; White & Tudor's Leading Cases, (with the Notes), vols. 1 and 2; Pothier on Partnership, by Tudor.

Candidates for certificates of fitness to be called to the Bar will be expected to be well acquainted with the books mentioned in the first of the above classes.

Candidates for a studentship or honours will be examined in the books mentioned in the two classes.

The READER on the LAW of REAL PROPERTY proposes to examine in the following books and subjects:—

1. Williams—Real Property; Stephen—Commentaries, vol. 1; Sugden—Powers, vol. 1.

2. The Practice of Conveyancing, with reference to the framing of Purchase Deeds, Mortgages, and Settlements.

3. The Statutory Rules of Construction laid down by 1 Vict. c. 26.

4. The Liability of Purchasers to see to the Application of the Purchase Money.

5. The Law of Judgments with reference to Real Estate, 1 & 2 Vict. c. 110; 2 & 3 Vict. c. 11; 3 & 4 Vict. c. 82.

Candidates for a studentship or other honorary distinction will be examined in all the foregoing books and subjects. Candidates for a certificate will be examined in 1 and 2.

The READER on JURISPRUDENCE and the CIVIL LAW proposes to examine in the following books and subjects:—

1. The Roman Law of Persons: of Real, Verbal, and Consensual Contracts. The modern Commentaries employed may be the Institutiones or Commentarii Juris Romani Privati of Warnkönig.

2. Grotius on the Natural Obligations arising from Ownership, Promises, Contracts, and Oaths; De Jure Belli et Pacis, lib. ii, cc. 10, 11, 12, 13, (Whewell's ed., vol. 2, pp. 18 et seq.)

3. Dig., lib. i, tit. 16, 17; De Verborum Significatione; De Regulis Juris.

4. Kent's Commentaries—Law of Nations, Lectures III, IV, and VI. The subjects of these Lectures must be considered in connexion with the modifications introduced into the General International Law by the practice of the present War. (Hazlitt & Roche's Manual of Maritime Warfare, Appendix).

5. Story's Conflict of Laws, c. 17.

Candidates for distinction will be examined in all the foregoing books and subjects.

Candidates for a certificate will be examined in 5; in 2, so far as regards chapters 11 and 12; and in 1, so far as the subjects there indicated are discussed in Sandars's edition of the Institutes of Justinian, and in Cumin's edition of Lagrange's Manual.

The READER on COMMON LAW proposes to examine in the following books and subjects:—

1. The ordinary steps in an Action at Law, particularly the Practice connected with the Writ of Summons—the Appearance—the Joinder of Parties, and of Causes of Action. (Com. L. Proc. Act, 1852, ss. 1—41 inclusive).

2. The Elements of the Laws relating to Contracts not under Seal, together with the cases of *Lampleigh v. Brathwait* and *Marriot v. Hampton*, and the Notes thereto, (Smith's L. C., 3rd ed.)

3. Rights and Remedies ex Delicto, so far as illustrated by the following Leading Cases:—*Armory v. Delamirie*, *Ashby v. White*, *Scott v. Shepherd*, and *Morvweather v. Nison*, with the Notes thereto, (Smith's L. C., 3rd ed.)

4. The Law relating to Homicide and to Simple Larceny, (Arch. Cr. Pl., 12th ed.)

Candidates for honours will be examined in all the above-mentioned subjects.

Candidates for a certificate will be examined in the 2nd and 4th only of the above subjects.

By order of the Council,

EDWARD RYAN, Chairman pro tem.

Council Chamber, Lincoln's Inn, Aug. 2, 1854.

### London Gazettes.

FRIDAY, AUGUST 25.

#### BANKRUPTS.

NICOLAS MASON DAY and JOHN TURNER, Bunhill-row, Middlesex, machine makers, engineers, dealers and chapmen, Sept. 7 and Oct. 11 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. West, 3, Charlotte-row, Mansion House.—Petition filed Aug. 21.

ADAM HUNTER, Woodstock and Oxford, Oxfordshire, draper and tea dealer, dealer and chapman, Sept. 2 and Oct. 9 at 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Billing, 33, King-street, Cheapside.—Petition filed Aug. 7.

JOHN JOSEPH WHITING, Cambridge, apothecary, dealer and chapman, Sept. 4 at 11, and Oct. 13 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Wilkin, 3, Farnival's-inn, Holborn.—Petition filed Aug. 22.

JAMES NESBITT, Albion-place, Blackfriars-bridge, Surrey, manufacturer of mantles, children's dresses, robes, embroidery, draper, dealer and chapman, Sept. 4 at half-past 11, and Oct. 13 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Jones, 15, Sise-lane, London.—Petition filed Aug. 15.

JOHN MILNER, Devonshire-street, St. Peter's, Islington, Middlesex, stock and share broker, commission agent, dealer and chapman, Sept. 4 and Oct. 13 at half-past 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Lawrance & Co., 14, Old Jewry-chambers, Old Jewry.—Petition filed Aug. 22.

WILLIAM FLEXMAN the younger, High-street, Kensington, Middlesex, corn and seed merchant, dealer and chapman, (trading there in partnership with Arthur Henry Cox, who has been lately adjudged bankrupt, under the style or firm of Flexman & Cox), Sept. 6 at 1, and Oct. 3 at half-past 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury, London.—Petition filed Aug. 15.

SAMUEL HORTON, Portman-place, Edgeware-road, Middlesex, builder, dealer and chapman, Sept. 11 at 1, and Oct. 14 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury, London.—Petition filed Aug. 23.

JOSEPH WINDLE COLE, Birchinn-lane, London, merchant, (carrying on business there under the style or firm of Cole, Brothers), Sept. 6 at 2, and Oct. 6 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. J. & J. H. Linklater, 17, Sise-lane, City.—Petition filed Aug. 14.

CHARLES HEYNE, St. Benet's-place, Gracechurch-street, London, broker, dealer and chapman, Sept. 6 at half-past 2, and Oct. 6 at 2, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Burrell, 1, White Hart-court, Lombard-street.—Petition filed Aug. 24.

JAMES WRIGHT, late of King's Lynn, Norfolk, but now of Rood-lane, London, shipowner, dealer and chapman, Sept. 6 and Oct. 12 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Wilkin, 3, Farnival's-inn, Holborn.—Petition filed Aug. 25.

JOHN PATERSON WATERSON, Alexander-terrace, Westbourne-park-road, Paddington, Middlesex, builder, dealer and chapman, Sept. 6 at half-past 1, and Oct. 6 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Chauntler, 8, Gray's-inn-sq.—Petition filed Aug. 18.

JOHN CLARKE, Belvedere-road, Lambeth, Surrey, late of Upper Area, Hungerford-market, Middlesex, butcher, Sept. 6 at half-past 2, and Oct. 6 at 2, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Pearce, 8, Giltspur-st.—Petition filed Aug. 23.

**GEORGE WEBB**, Shoreditch, Middlesex, cheesemonger, dealer and chapman, Sept. 6 at 1, and Oct. 6 at half-past 11, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Ashurst & Co., 6, Old Jewry.—Petition filed Aug. 19.

**CHARLES GROVE**, Birmingham, licensed victualler, dealer and chapman, Sept. 4 and Oct. 2 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Payn, Birmingham; Hodgson, Birmingham.—Petition dated Aug. 12.

**WILLIAM ALDER VINCENT**, Wolverhampton, Staffordshire, printer, bookseller, and stationer, Sept. 6 and Oct. 11 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Bolton, Wolverhampton; E. & H. Wright, Birmingham.—Petition dated Aug. 19.

**JOHN CHAPLIN** and **ROBERT WIGLEY**, Leicester, Leicestershire, carriers, leather cutters, and boot and shoe manufacturers, Sept. 5 and Oct. 3 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sol. Hodgson.—Petition dated Aug. 24.

**WILLIAM WALLER** the younger, Chesterfield, Derbyshire, ironfounder, (trading under the style or firm of William Waller & Co.), Sept. 9 and Oct. 14 at 12, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sol. Fernell, Sheffield.—Petition dated Aug. 7.

**HOWARD BUSBY FOX**, Liverpool, metal broker, dealer and chapman, Sept. 4 and 27 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Anderson & Collins, Liverpool.—Petition filed Aug. 23.

**JOSEPH ROBINSON**, Nantwich, Cheshire, brazier, tinman, dealer and chapman, Sept. 7 and 29 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sol. Reece, Birmingham.—Petition filed Aug. 8.

#### MEETINGS.

*Alfred Knight*, Wood-st., Cheapside, London, worsted yarn manufacturer, Sept. 25 at 1, Court of Bankruptcy, London, last ex.—*Ely Kilson*, Fenchurch-st., London, saddler and harness maker, Sept. 16 at 11, Court of Bankruptcy, London, aud. ac.—*George F. La Serre*, Bank-chambers, Lothbury, London, stock broker, Sept. 18 at 2, Court of Bankruptcy, London, div.—*D. A. Ramsay*, Kensington-park-terrace, Notting-hill, Middlesex, builder, Sept. 21 at half-past 1, Court of Bankruptcy, London, div.—*Edward Carter*, Murray-street, Hoxton, Middlesex, builder, Sept. 18 at 1, Court of Bankruptcy, London, div.—*John Lyons*, Allie-place, Great Allie-street, Goodman's-fields, Middlesex, and Minories, London, packing-case manufacturer, Sept. 16 at 2, Court of Bankruptcy, London, div.—*Wm. Hearn*, Stangate-wharf, Lambeth, Surrey, carrier, and Rainham, Essex, brickmaker, Sept. 25 at 12, Court of Bankruptcy, London, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Charles White*, Watford, Hertfordshire, sheep dealer, Sept. 15 at 11, Court of Bankruptcy, London.—*Jas. Triggs*, *Wm. Triggs*, and *Edw. Triggs*, Southampton, upholsterers, Sept. 15 at 12, Court of Bankruptcy, London.—*Thomas Clark*, Thornton-heath, Croydon, Surrey; *Furnival's-inn*, Holborn, London; and *Marlborough-road*, St. John's-wood, Middlesex, licensed victualler, Sept. 15 at half-past 11, Court of Bankruptcy, London.—*J. Purdy* and *W. T. Purdy*, King's Lynn, Norfolk, builders, Sept. 15 at 11, Court of Bankruptcy, London.—*T. Squire*, Grosvenor-mews, Bond-st., Middlesex, coach builder, Sept. 15 at half-past 11, Court of Bankruptcy, London.—*W. Wallen* the younger, Laurence Pountney-lane, London, architect, Oct. 11 at 2, Court of Bankruptcy, London.—*J. Driscoll*, Cardiff, Glamorganshire, potato merchant, Sept. 19 at 11, District Court of Bankruptcy, Bristol.—*T. Burton*, Hagley, Worcestershire, builder, Oct. 9 at 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*Joseph Bukrer*, Holborn, London, fancy warehouseman.—*John Robins Vivian*, Cheapside, London, dealer in mining shares.—*Mary Thornton Steele*, Norland-road, Notting-hill, Middlesex, licensed victualler.—*George Ballcock*, Brighton, Sussex, apothecary.—*Jas. Worrall*, Bolton and Manchester, manufacturer.—*Edwin Ashley*, Manchester, smallware manufacturer.

#### SCOTCH SEQUESTRATION.

*Dionysius Onufri Marianski*, Quarry-hall, Hamilton, travelling merchant.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Wynne Pritchard*, Walton-on-the-Hill, Lancashire, plumber, Sept. 25 at 10, County Court of Lancashire, at Liverpool.—*Thos. Haynes*, Cumber, Berkshire, in no business, Sept. 8 at 10, County Court of Oxfordshire, at Oxford.—*Charles Bayne Chadwell*, Oxford, cutler, Sept. 8 at 10, County Court of Oxfordshire, at Oxford.—*Richard Corringham*, Canterbury, Kent, working jeweller, Sept. 6 at 11, County Court of Kent, at Canterbury.—*Thos. Wood*, Worcester, livery-stable keeper, Sept. 19 at 10, County Court of Worcestershire, at Droitwich.—*Mary McIver*, Newcastle-upon-Tyne, shoemaker, Sept. 14 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—*Ralph Taylor*, Lincoln, cabinet maker, Sept. 19 at 12, County Court of Lincolnshire, at Lincoln.—*John Sharpe*, Potterhanworth, Lincolnshire, shoemaker, Sept. 19 at 12, County Court of Lincolnshire, at Lincoln.—*Isaac Harrison*, Settle, Yorkshire, grocer, Sept. 7 at 12, County Court of Yorkshire, at —.—*Benjamin Greening*, Bristol, watchmaker, Aug. 31 at half-past 10, County Court of Gloucestershire, at Bristol.—*Jas Lambert*, Bristol, milliner, Aug. 31 at half-past 10, County Court of Gloucestershire, at Bristol.—*Geo. Barker*, Bristol, jobbing mason, Aug. 31 at half-past 10, County Court of Gloucestershire, at Bristol.—*Henry Vinnall*, Chatham, Kent, clerk in her Majesty's Dockyard, Sept. 7 at 10, County Court of Kent, at Rochester.—*Charles Nichols*, Southampton, retailer of beer, Sept. 5 at 10, County Court of Hampshire, at Southampton.—*J. Bolingbroke*, Kingston-upon-Hull, pattern maker, Sept. 8 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*J. Morra*, Exeter, bailiff, Sept. 12 at 10, County Court of Devonshire, at Exeter.—*John W. Pope*, Exeter, attorney-at-law, Sept. 12 at 10, County Court of Devonshire, at Exeter.—*John Walker*, Exeter, engraver, Sept. 12 at 10, County Court of Devonshire, at Exeter.—*Noah Wilcox*, Madeley, Shropshire, grocer, Sept. 16 at 10, County Court of Shropshire, at Madeley.—*Geo. Roberts*, Amphyll, Bedfordshire, publican, Sept. 11 at 1, County Court of Bedfordshire, at Amphyll.—*Francis Lloyd*, Kinfare, Staffordshire, licensed retailer of ale, Sept. 25 at 10, County Court of Worcestershire, at Stourbridge.—*James Kidson*, Wolverhampton, Staffordshire, licensed retailer of ale, Sept. 26 at 9, County Court of Staffordshire, at Wolverhampton.—*Thos. Parry* the elder, Wednesfield, Staffordshire, market gardener, Sept. 26 at 9, County Court of Staffordshire, at Wolverhampton.—*John Dufour*, Cheltenham, Gloucestershire, publican, Sept. 6 at 10, County Court of Gloucestershire, at Cheltenham.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Nov. 23 at 11, before Mr. Commissioner PHILLIPS.*

*George Young*, Carlton-street, Old Kent-road, Surrey, out of business.—*Jas. Ashford*, Norland-road, Kensington, Middlesex, butcher.—*Joseph Clokey*, Lincoln, commission agent in the drapery trade.—*Henry Vercoe*, New Cottrells, Hemel Hempstead, Hertfordshire, carpenter.—*Samuel Lack*, Waltham Abbey, Essex, beer-shop keeper.—*H. Jarrett*, Alfred-place, Bedford-square, Middlesex, musical director.—*Hook Spooner*, New-road, Rotherhithe, Surrey, carpenter.—*Henry Williams*, Cumberland-market, Regent's-park, Middlesex, out of business.

*Nov. 29 at 10, before Mr. Commissioner MURPHY.*

*John Wyeath*, Park-crescent, Clapham, Surrey, out of business.—*David Myers*, Stanhope-place, Southwark-bridge-road, Southwark, Surrey, teacher of music.—*Geo. J. T. Merriott*, Moscow-road, Bayswater, Middlesex, clerk in the Ordnance Office.—*J. Peters* the elder, Great Cambridge-st., Hackney-road, Middlesex, watch-guard manufacturer.—*Jane Morison*, Rheidol-terrace, St. Peter's-street, Islington, Middlesex, out of business.—*John B. H. Soane*, Waltham-cross, Essex, out of business.—*Ignatius F. Coyle*, Stanhope-terrace, Hyde-park-gardens, Middlesex, in no trade.—*Wm. Smith*, Long-alley, Finsbury, Middlesex, licensed victualler.



*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Sept. 11 at 10, before the CHIEF COMMISSIONER.*

*F. Hermann*, Upper Charlotte-street, Fitzroy-sq., Middlesex, cabinet maker.—*Joseph Chaldwell*, Alfred-place, Old Kent-road, Surrey, manager to a skin salesman.—*J. N. Mack*, High Holborn, Middlesex, baker.—*Thomas J. Tobin*, Cambridge-terrace, Myddleton-road, Dalston, Middlesex, hair-dresser.—*P. W. Lock*, Queen's Head-court, Giltspur-street, West Smithfield, London, out of business.—*Wm. H. Smith*, Basinghall-street, London, clothworker.—*H. Prince*, Brixton-rise, Surrey, gentleman's coachman.—*John Kempster*, London-wall, London, engraver.—*T. Berriman*, Edwards-terrace, Commercial-road, Peckham, Surrey, out of business.—*Richard Hare*, Windsor-terrace, City-road, Middlesex, attorney.

*Sept. 11 at 11, before Mr. Commissioner PHILLIPS.*

*John Wilson*, High-street, Croydon, Surrey, accountant.—*Peter Hoffman*, Seckford-street, Clerkenwell, Middlesex, pocket-book maker.—*John S. Perry*, Southampton-street, Camberwell, Surrey, out of business.—*Wm. Oldridge*, Cloth Fair, West Smithfield, London, account-book maker.—*J. W. Slade*, Munster-street, Regent's-park, Middlesex, bricklayer.—*George Deeks*, Balmes-road, Southgate-road, De Beauvoir-town, Middlesex, and Creed-lane, Ludgate-hill, London, window-blind maker.

*Sept. 11 at 10, before Mr. Commissioner MURPHY.*

*E. W. Weippert*, Old Broad-street, London, upholsterer.—*Geo. J. Lawrence*, Penton-street, Pentonville, Middlesex, baker.—*Walter Peck*, Albert-place, Victoria-road, Kensington, Middlesex, in no profession.—*Henry Brown*, Ledbury-road North, Westbourne-grove, Kensington, Middlesex, hay dealer.—*Richard Fowler*, Melina-place, Westminster-road, Surrey, coachmaker.—*E. A. Rudge*, Barking, Essex, linen-draper.—*Thomas E. John*, King William-street, London, manager of an Alton ale-house.—*D. F. Campbell*, Old Cavendish-square, Middlesex, in no profession.—*John Swaisland*, jan., Swan-lane, Rotherhithe, Surrey, filterer of Thames water.—*Edward Liddetter*, Long-acre, Middlesex, in no employment.—*Robert Barnby*, Wilmington-square, Clerkenwell, Middlesex, mathematical instrument maker.—*H. K. Broughton*, Great Titchfield-street, Marylebone, Middlesex, out of employ.—*Wm. Parker* the younger, Eastcheap, London, out of business.

*Sept. 12 at 10, before the CHIEF COMMISSIONER.*

*John Dawson*, Church-street, Camberwell, Surrey, cheesemonger.

*Sept. 13 at 10, before the CHIEF COMMISSIONER.*

*Frederick Weston*, Little Cadogan-place, Sloane-street, Chelsea, Middlesex, commission agent.—*Henry Simpson*, Ossulston-street, Somers-town, Middlesex, out of business.—*John Glascock*, Harlow, Essex, miller.

*Adjourned Hearing.*

*George Ruffell*, Montague-terrace, Trinity-square, Lambeth, Surrey, commission merchant.

*Sept. 13 at 11, before Mr. Commissioner PHILLIPS.*

*John Harris* the elder, Edward-street, Portman-square, Middlesex, cheesemonger.—*A. B. Stride*, Cavendish-terrace, Cavendish-road, South Lambeth, Surrey, sub-contractor.—*J. Shipton*, Cardigan-place, Upper Kennington-lane, Surrey, out of business.

*Sept. 13 at 10, before Mr. Commissioner MURPHY.*

*G. Biggs*, Drayton-villas, Uxbridge-road, Ealing, Middlesex, carpenter.—*Henry Dix*, Commercial-road, Lambeth, Surrey, and Addle-street, Wood-street, Cheapside, London, warehouseman.—*John Hunter*, Great Randolph-street, New Camden-town, Middlesex, in no business.

*Sept. 14 at 10, before the CHIEF COMMISSIONER.*

*A. Mouat*, Creed-lane, Ludgate-hill, London, and Hatcham-terrace, Old Kent-road, Surrey, wine merchant.—*Jos. Hart* the younger, Belgrave-road, Fimlico, Middlesex, assistant to a music seller.—*Thomas Walker*, North Bruton-mews, Berkeley-square, Middlesex, farrier.

*Sept. 14 at 10, before Mr. Commissioner PHILLIPS.*

*N. Wade*, Blenheim-place, St. John's-wood, Middlesex, builder.—*G. J. Clifton*, Waverley-place, Grove-end-road, St.

John's-wood, Middlesex, wine merchant.—*George Keretng*, Morland-place, Howard-road, Albert-town, Stoke Newington, Middlesex, clerk to a perfumer.

*Sept. 14 at 10, before Mr. Commissioner MURPHY.*

*Thomas Smith* the elder, Grange-road, Bermondsey, Surrey, in no employment.—*W. T. Haines*, Gloucester-crescent, Regent's-park, Middlesex, clerk in the Money Order-office of the General Post-office, London.—*Chas. Stanley*, George-st., Euston-square, Middlesex, out of employment.

*Adjourned Hearing.*

*Sept. 11 at 10, before the CHIEF COMMISSIONER.*

*John Thomas Gain*, Waltham-cottages, Warner-road, Camberwell New-road, Surrey, out of business.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Hampshire, at WINCHESTER, Sept. 9.*

*Wm. Jewell*, Landport, Portsea, Southampton, builder.—*Wm. Heiyyer*, Portsea, Southampton, baker.—*Charles Moody*, Newport, Isle of Wight, foreman to a tailor.—*J. Barnett*, Portsea, boiler maker.

*At the County Court of Leicestershire, at LEICESTER, Sept. 13.*

*James Cotton*, Leicester, out of business.

*At the County Court of Somersetshire, at TAUNTON, Sept. 13.*

*Walter Mizen*, Clevedon, mason.—*Wm. Haggett*, Haselbury Plucknett, near Crewkerne, baker.

*At the County Court of Derbyshire, at DERBY, Sept. 30 at 12.*

*Samuel Swann*, Hayfield, Glossop, bookkeeper.

*MEETING.*

*Thomas Horne*, Branton-green, near Boroughbridge, Yorkshire, bricklayer, Sept. 14 at 11, at Walker & Harrison's, 5, Southampton-street, Bloomsbury, Middlesex, sp. aff.

## TUESDAY, AUGUST 29.

### BANKRUPTS.

**JAMES MARTIN**, Maidstone, Kent, hatter, coach proprietor, dealer and chapman, Sept. 7 at 2, and Oct. 20 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Hughes, 1, St. Swithin's-lane, London.—Petition filed Aug. 28.

**GEORGE HARRIS DE RUSETT**, Birchin-lane, London, merchant, Sept. 7 at 1, and Oct. 20 at half-past 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Elmalie, 47, Moorgate-street, London.—Petition filed Aug. 24.

**CHARLES LEVET**, Ely, Cambridgeshire, ironmonger, dealer and chapman, Sept. 8 at half-past 12, and Oct. 13 at 2, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Reece & Blyth, 7, Serjeants'-inn, Fleet-street.—Petition filed Aug. 7.

**JOHN EDWARD RATHBONE**, late of Bath, printer and publisher, (trading under the name of John Edward Egerton), afterwards of Threadneedle-street and Moorgate-street, London, dealer in mining shares, but now a prisoner for debt in Hertford Gaol, Sept. 14 at 11, and Oct. 13 at half-past 1, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Webb, 22, Lincoln's-inn-fields.—Petition filed Aug. 2.

**SAMUEL SIVITER**, Brierley-hill, Staffordshire, iron-founder, dealer and chapman, Sept. 15 and 29 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. E. & H. Wright, Birmingham.—Petition dated Aug. 23.

**JAMES RAND**, Longton, Staffordshire, grocer and provision dealer, Sept. 9 and 29 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. W. & E. Clarke, Longton; Motteram & Knight, Birmingham.—Petition dated Aug. 24.

**PHILIP PAIGE**, Torquay, Devonshire, lodging-house keeper, schoolmaster, trader, dealer and chapman, Sept. 7 and Oct. 5 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Stogdon, Exeter.—Petition filed Aug. 24.

**CHARLES LORD**, Fleet-street, London, tailor, dealer and chapman, Sept. 7 at 2, and Oct. 20 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Stroughill, 7, Coleman-street, City.—Petition filed Aug. 21.

**JOHN DAUDISON**, Huddersfield, Yorkshire, wine and spirit merchant, dealer and chapman, Sept. 11 and Oct. 13 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. J. & W. Sykes, Huddersfield; Bond & Barwick, Leeds.—Petition dated Aug. 28.

**ROBERT SYKES**, Sheffield, Yorkshire, grocer and flour dealer, dealer and chapman, Sept. 9 and Oct. 14 at 12, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sol. Fernell, Sheffield.—Petition dated Aug. 12.

**JAMES LAWRENCESON**, Blackpool, Lancashire, innkeeper, dealer and chapman, Sept. 14 and Oct. 5 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sol. Richardson, Bolton-le-Moors, Lancashire.—Petition filed Aug. 24.

**JOHN WHITE**, Ormskirk, Lancashire, builder, dealer and chapman, Sept. 12 and Oct. 2 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Forshaw, Liverpool; Welaby, Ormskirk.—Petition filed Aug. 18.

**WALTER GRAHAM**, Blackburn, Lancashire, draper, dealer and chapman, Sept. 12 and Oct. 3 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Cobbett & Wheeler, Manchester; Backhouse, Blackburn.—Petition filed Aug. 15.

**THOMAS LIGHTFOOT**, Stockport, Cheshire, grocer, dealer and chapman, Sept. 8 and 29 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Partington, Manchester; Bolton & Co., 25, Austin-friars, London.—Petition filed Aug. 21.

**PATRICK FARRELL** and **JOHN GRIFFITHS**, Manchester, builders, dealers and chapmen, Sept. 8 and Oct. 4 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Stansall; Sols. Blair, Manchester; Parry, Manchester.—Petition filed Aug. 24.

**WILLIAM HOLLINS**, Manchester, commission merchant, dealer and chapman, Sept. 13 and Oct. 4 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Atkinson & Co., Manchester.—Petition filed Aug. 23.

**GEORGE RUSLING**, Manchester, licensed victualler, dealer and chapman, Sept. 12 and Oct. 3 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Boote, Manchester; Eltoft, Manchester; Bower, 6, Tokenhouse-yard, Lothbury, London; Jaques & Co., 8, Ely-place, London.—Petition filed Aug. 19.

#### MEETINGS.

*Wm. Goodall and John Birchmell*, Titherington, near Macclesfield, Cheshire, cotton spinners, Sept. 29 at 12, District Court of Bankruptcy, Manchester, pr. d.; Oct. 6 at 12, and ac.; Oct. 20 at 12, div. sep. est. of *John Birchmell*.—*M. Schwartz*, Haydon-square, Minorities, Middlesex, clothier, Sept. 11 at 12, Court of Bankruptcy, London, last ex. and ac.—*Wm. Guest*, Manchester, commission agent, Sept. 8 at 12, District Court of Bankruptcy, Manchester, last ex.—*D. Holden* the younger, Horsham, Sussex, ironmonger, Sept. 11 at 12, Court of Bankruptcy, London, aud. ac.; Sept. 29 at 1, div.—*Edward Shaltis*, Bedford-place, Commercial-road East, and Salmon's-lane, Limehouse, Middlesex, grocer, Sept. 11 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Robert Roberts*, Liverpool, tailor, Sept. 12 at 11, District Court of Bankruptcy, Liverpool, and ac.—*Joshua Wormald*, Glossop, Derbyshire, shoemaker, Sept. 28 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Oct. 5 at 12, div.—*Wm. W. Rawling*, *Samuel Rawling*, and *John Rawling*, Manchester, carriers, Sept. 29 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Oct. 6 at 12, div.—*Richard Fairbairn*, Preston, Lancashire, wholesale grocer, Oct. 5 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Oct. 12 at 12, div.—*Charles Barnett Gibbs*, Eccleshall, Staffordshire, grocer, Oct. 13 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac.; Oct. 14 at half-past 10, div.—*J. Roberts*, Stratford-upon-Avon, Warwickshire, builder, Oct. 13 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac.; Oct. 14 at half-past 10, div.—*Henry Anstey* and *William Walton*, Birmingham, drapers, Oct. 6 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac.; Oct. 7 at half-past 10, div.—*Jonathan Barnes*, Derby, currier, Sept. 19 at 10, District Court of Bankruptcy, Nottingham, aud. ac.—

*David Ma Tber*, Manchester and Liverpool, and Belfast, Ireland, merchant, Sept. 21 at 12, District Court of Bankruptcy, Manchester, fin. div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*John Solomon*, Circus, Minorities, London, shipowner, Sept. 20 at 1, Court of Bankruptcy, London.—*William Fowler*, Abergavenny, Monmouthshire, grocer, Sept. 20 at 11, District Court of Bankruptcy, Bristol.—*James Hope*, Burnley, Lancashire, grocer, Sept. 30 at 12, District Court of Bankruptcy, Manchester.—*John Rawling*, Manchester, currier, Oct. 2 at 12, District Court of Bankruptcy, Manchester.—*Richard Fairbairn*, Preston, Lancashire, wholesale grocer, Sept. 28 at 12, District Court of Bankruptcy, Manchester.—*Charles Robinson*, Brierley-hill, Staffordshire, shoe manufacturer, Oct. 12 at half-past 10, District Court of Bankruptcy, Birmingham.—*Henry Rubbra*, Dudley, Worcestershire, grocer, Oct. 9 at 10, District Court of Bankruptcy, Birmingham.—*Thomas Archer* and *Samuel Archer*, Burslem, Staffordshire, tailors, Oct. 9 at 10, District Court of Bankruptcy, Birmingham.—*Wm. Burrows*, Leicester, tailor, Oct. 10 at 10, District Court of Bankruptcy, Nottingham.

*To be granted, unless an Appeal be duly entered.*

*Thomas Harris*, West Wycomb, Buckinghamshire, chair manufacturer.—*Wm. Trebilcock*, Plymouth, Devonshire, boot maker.—*James Rankin*, Liverpool, wholesale clothier.—*John Greatwood*, Birmingham, confectioner.—*Robert Hewson*, Louth, Lincolnshire, innkeeper.

#### SCOTCH SEQUESTRATIONS.

*W. Jamieson*, Glasgow, stockbroker.—*Stewart M'Millan*, Kilmarnock, calico printer.

#### INSOLVENT DEBTORS

*Who have fled their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Edwin J. Gardner*, Birmingham, milliner, Sept. 16 at 10, County Court of Warwickshire, at Birmingham.—*John Bottrell*, Birmingham, tile dealer, Sept. 16 at 10, County Court of Warwickshire, at Birmingham.—*Charles Taylor*, Birmingham, tailor, Sept. 16 at 10, County Court of Warwickshire, at Birmingham.—*Henry J. Horton*, Birmingham, coal dealer, Sept. 16 at 10, County Court of Warwickshire, at Birmingham.—*Daniel Watts*, Birmingham, grocer, Sept. 16 at 10, County Court of Warwickshire, at Birmingham.—*Eliza Cameron*, Edgbaston, Warwickshire, milliner, Sept. 16 at 10, County Court of Warwickshire, at Birmingham.—*John Furness*, Devonport, Devonshire, beer-house keeper, Sept. 20 at 11, County Court of Devonshire, at East Stonehouse.—*Charles Church*, Newport, Monmouthshire, lodging-house keeper, Sept. 13 at 12, County Court of Monmouthshire, at Newport.—*Wm. Sayce*, Abergavenny, Monmouthshire, innkeeper, Sept. 18 at 12, County Court of Monmouthshire, at Abergavenny.—*John Thomas*, Llanelly, Breconshire, beer retailer, Sept. 18 at 12, County Court of Monmouthshire, at Abergavenny.—*George Jubilee Nicholas*, Abergavenny, Monmouthshire, plumber, Sept. 18 at 12, County Court of Monmouthshire, at Abergavenny.—*Joseph Jackson*, Kirkheaton, Yorkshire, carpenter, Sept. 11 at 10, County Court of Yorkshire, at Huddersfield.—*James Molyneux*, Huddersfield, Yorkshire, salesman of woollen waste, Sept. 11 at 10, County Court of Yorkshire, at Huddersfield.—*John Thomas*, Boston, Lincolnshire, out of employment, Sept. 21 at 10, County Court of Lincolnshire, at Boston.—*Joshua Watts*, Boston, Lincolnshire, out of business, Sept. 21 at 10, County Court of Lincolnshire, at Boston.—*Gregory Page*, Folkestone, Kent, out of business, Sept. 11 at 10, County Court of Kent, at Folkestone.—*Charles F. Anthony*, Hulme, Manchester, music seller, Oct. 2 at 12, County Court of Lancashire, at Manchester.—*Margaret Williams*, Brynmawr, Llangatlock, Breconshire, beer-house keeper, Sept. 19 at 12, County Court of Monmouthshire, at Tredegar.—*Watkin Williams*, Brynmawr, Llanelly, Breconshire, innkeeper, Sept. 19 at 12, County Court of Monmouthshire, at Tredegar.—*James Shackleton*, Bradford, Yorkshire, out of business, Sept. 13 at 11, County Court of Yorkshire, at Bradford.—*Thomas Goddard*, Caversham, Oxfordshire, tile maker, Sept. 12 at half-past 10, County Court of Berkshire, at Reading.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Nov. 13 at 10, before the CHIEF COMMISSIONER.*

*John Peacock*, New-street, Vincent-square, Westminster, Middlesex, carpenter.—*John James Pope*, Upper Bemmerton-street, Great William-street, Caledonian-road, King's-cross, Middlesex, carpenter.—*Wm. Smellie*, Remington-street, City-road, Middlesex, tailor.—*Robert Evans* the younger, George-street, Albany-road, Camberwell, Surrey, cabinet manufacturer.—*Andrew C. Larkins*, Greenwich, Kent, coffee-house keeper.—*Geo. Walker*, Temple Mills, Stratford, Essex, out of business.

*Saturday, Aug. 26.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Joseph Cribb*, Edward-street, Trafalgar-road, Greenwich, Kent, out of business, No. 78,520 C.; *Thomas Burnham Clark*, assignee.—*George Cook*, Pendleton, Salford, Lancashire, wheelwright, No. 78,266 C.; *Richard Edward Bibby*, assignee.—*Daniel Derrick*, Landport, Portsea, Southampton, baker, No. 78,276 C.; *Henry Clark* the younger, assignee.—*Thomas Knowles*, Birmingham, out of business, No. 78,286 C.; *John Welch*, assignee.—*John Jos. Calvert*, Horncastle, Lincolnshire, grocer, No. 78,397 C.; *John Mason*, assignee.—*Thomas Elliott*, Portland, Dorsetshire, out of employ, No. 78,444 C.; *Robert Attwoll*, assignee.—*Joseph H. Knight*, Eastbourne, Sussex, foreman to a nurseryman, No. 78,476 C.; *Wm. James Epps* and *James Turrell*, assignees.—*Thomas Evertsen*, Droitwich, Worcestershire, labourer, No. 78,507 C.; *John Holland*, assignee.—*William Griffiths*, Gloucester-road, Camberwell, Surrey, maltster, No. 64,378 T.; *Robert Greatwood*, assignee.

*Saturday, Aug. 26.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Benjamin Burfield*, Borough-road, Southwark, Surrey, out of business: in the Gaol of Surrey.—*Henry Drysdale*, Grace's-alley, Whitechapel, Middlesex, ship joiner: in the Debtors Prison for London and Middlesex.—*Edward Langford*, Grafton-mews, Grafton-street, Middlesex, livery-stable keeper: in the Debtors Prison for London and Middlesex.—*James T. Bades*, Claremont-place, Lewisham, Kent, grocer: in the Debtors Prison for London and Middlesex.—*J. L. Beetholme*, Cornwall-place, Holloway, Middlesex, attorney-at-law: in the Queen's Prison.—*T. Parnell* the younger, Westbury-road, Harrow-road, Middlesex, carpenter: in the Queen's Prison.—*William Pryer*, Lower Tottenham, Middlesex, corn dealer: in the Debtors Prison for London and Middlesex.—*John Scriven*, Oxford, grocer: in the Debtors Prison for London and Middlesex.—*Wm. Brown*, Wapping-wall, Shadwell, Middlesex, beer-shop keeper: in the Debtors Prison for London and Middlesex.—*Joseph Trigwell*, Arundel-street, Strand, Middlesex, butcher: in the Queen's Prison.—*Charles John Penney*, Roberts-place, Commercial-road East, Middlesex, manufacturer of varnish: in the Debtors Prison for London and Middlesex.—*Geo. Ashley*, Robinson's-place, Thistle Grove-lane, Brompton, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Thomas Henry Willis*, Camden-terrace West, Camden-town, Middlesex, not in any occupation: in the Debtors Prison for London and Middlesex.—*P. Levison*, Cranbourne-alley, Leicester-square, Middlesex, traveller: in the Debtors Prison for London and Middlesex.—*Thomas D. B. Campbell*, Layton-place, Brixton, Surrey, out of employment: in the Gaol of Surrey.—*Philip D. Cooper*, Cambridge-street, Pimlico, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—*Richard H. Steed*, Seymour-street, Euston-square, Middlesex, commission agent: in the Debtors Prison for London and Middlesex.—*Edw. Jefford*, Princes-square, St. George-in-the-East, Middlesex, boarding-house keeper: in the Debtors Prison for London and Middlesex.—*Thomas A. Steer*, King-street, Gravel-lane, Shadwell, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*J. A. Powis*, Dudley, Worcester-

shire, out of business: in the Gaol of Worcester.—*Thomas Roberts*, Tredegar, Monmouthshire, tailor: in the Gaol of Monmouth.—*Chas. Griffin*, Ladbroke, Warwickshire, out of business: in the Gaol of Oxford.—*Henry Stentiford*, Exeter Inn, Devonshire, innkeeper: in the Gaol of St. Thomas-the-Apostle.—*Thos. Pemberton Stubbs*, Birmingham, hat maker: in the Gaol of Coventry.—*John Woodman*, Birmingham, wire worker: in the Gaol of Coventry.—*David King*, Birmingham, sub-contractor: in the Gaol of Coventry.—*Richard Jones*, Birmingham, slipper maker: in the Gaol of Coventry.—*Sam. Haigh*, Holbeck, Leeds, Yorkshire, flax dresser: in the Gaol of York.—*Samuel Rider*, Norwich, Norfolk, out of business: in the Gaol of Norwich.—*Robert W. Travis*, Kirtton-in-Lindsey, Lincolnshire, watchmaker: in the Gaol of Lincoln.—*T. Latham*, Preston, Lancashire, timber merchant: in the Gaol of Lancaster.—*Towell Edwin*, Torquay, Devonshire, innkeeper: in the Gaol of Lancaster.—*Wm. Squires*, Padiham, Lancashire, joiner: in the Gaol of Lancaster.—*John Austin*, Blackburn, Lancashire, woollen-flock dealer: in the Gaol of Lancaster.—*Robert Boadle*, Ulverston, Lancashire, farmer's labourer: in the Gaol of Lancaster.—*Peter German*, Bolton-le-Moors, Lancashire, pig dealer: in the Gaol of Lancaster.—*James Hardwick*, Kempley, Gloucestershire, labourer: in the Gaol of Hereford.—*John Yeates*, Hampton Lovett, Worcestershire, drainer and sub-contractor: in the Gaol of Worcester.—*J. Turner* the younger, New Basford, Nottinghamshire, lace-machine holder: in the Gaol of Nottingham.—*Henry Crane*, Birmingham, out of business: in the Gaol of Coventry.—*John Harby Skillecock*, Coventry, Warwickshire, out of business: in the Gaol of Coventry.—*Henry Hart*, Yardley, Worcestershire, retail brewer: in the Gaol of Coventry.—*Johnson Barnett*, Portsea, Hampshire, boiler maker: in the Gaol of Winchester.—*Owen Roberts*, Henshop Penrhyn-deudraith, Merionethshire, shoemaker: in the Gaol of Dolgelly.—*Joseph Woolley*, Birkenhead, Cheshire, labourer: in the Gaol of Chester.—*Thos. Adkisson Gates*, Southampton, builder: in the Gaol of Southampton.—*Alexander Robison*, Oaken Gates, near Wellington, Shropshire, grocer: in the Gaol of Shrewsbury.—*James Pitt*, Darlston, Staffordshire, baker: in the Gaol of Stafford.—*John Shaw*, Shetton, Stoke-upon-Trent, Staffordshire, retail brewer: in the Gaol of Stafford.—*Thomas Sidebottom*, Ashton-under-Lyne, Lancashire, bookseller: in the Gaol of Lancaster.—*Thos. Edu. Fraser*, Liverpool, out of business: in the Gaol of Lancaster.—*T. Green*, Liverpool, flour dealer: in the Gaol of Lancaster.—*Wm. Jackson*, Manchester, currier: in the Gaol of Lancaster.—*Thos. Duncan Milner*, Blackburn, Lancashire, out of business: in the Gaol of Lancaster.—*Joseph Rathenan*, Strangeways, Manchester, waterproof coat maker: in the Gaol of Lancaster.—*Samuel Thorniley*, Cheetham, Manchester, packer: in the Gaol of Lancaster.—*Geo. Westwood*, Liverpool, out of business: in the Gaol of Lancaster.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Sept. 18 at 11, before the CHIEF COMMISSIONER.*

*Wm. Lawson*, Ivy-place, Hoxton, Middlesex, hosier.—*C. Perry*, Lower Sloane-st., Islington, Middlesex, butcher.—*C. Turney*, Strand-lane, Strand, Middlesex, and Bond-st., Commercial-road, Lambeth, Surrey, out of business.

*Sept. 18 at 11, before Mr. Commissioner PHILLIPS.*

*Joseph Clayworth*, Gracechurch-st., London, poultryer.—*Lewis Levy*, Portland-place, Circus-road, St. John's-wood, Middlesex, picture dealer.—*Henry Stigant Smith*, Friar-st., Blackfriars-road, Surrey, staymaker.

*Sept. 18 at 10, before Mr. Commissioner MURPHY.*

*Thomas Fletcher*, Shaftesbury-street, Hoxton, Middlesex, out of business.—*John Anthony Dobson*, Pennington-street, St. George's-in-the-East, Middlesex, shipwright.—*Thomas Searle*, Montpelier-square, Brompton, Middlesex, lodging-house keeper.

*Sept. 19 at 10, before the CHIEF COMMISSIONER.*

*Michael Henry Myers*, Gravesend, Kent, and Houndeditch, Middlesex, out of business.—*Phineas Joseph Lara*, Oxford-st., Mile-end Old-town, Middlesex, undertaker.—*Wm. Jenkins*, Prospect-place, Old Brompton, Middlesex, secretary to the Cosmos Institute.

*Sept. 19 at 11, before Mr. Commissioner PHILLIPS.*

*Adam Smart Wm. Dibley*, Cleaver-st., Kennington-cross,

Kennington, Surrey, out of business.—*Peter John Ryband*, Brompton, Middlesex, general merchant.—*Geo. Edw. Noone* the younger, Edward-terrace, Caledonian-road, Islington, Middlesex, assistant to an ironmonger.

Sept. 19 at 10, before Mr. Commissioner MURPHY.

*Peirce Isomonger*, Thomas-street East, Borough, Surrey, commission agent.—*Wm. Dolden*, Roadside, Mile-end, Middlesex, shoemaker.—*Robert John Hope*, Charterhouse-square, London, clerk in holy orders.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Devonshire, at EXETER, Sept. 12 at 10.*

*Kensington Lewis*, Heavitree, gentleman.

*At the County Court of Worcestershire, at WORCESTER, Sept. 13 at 10.*

*Thomas Spooner*, Claines, out of business.—*John Andrew Powis*, Dudley, out of business.—*John Yeates*, Hampton Lovett, excavator.

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# The Jurist

No. 922—VOL. XVIII. SEPTEMBER 9, 1854.

PRICE 1s.

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LONDON, SEPTEMBER 9, 1854.

We are somewhat consoled for the comparative barrenness of the last Session of Parliament by the fact, that we have not only fewer statutes, in point of number, added to the mass, but also that they are respectively shorter in form than is generally the case. The same causes that led to the withdrawal of so many bills induced also the striking out, or the abbreviation, of clauses in those which reached the final stage of the royal assent. Among those which were deemed worthy of this honour, several will be found of great practical importance; and we propose to lay the substance of these briefly before our readers, with such comments as they may suggest.

The number of statutes passed in the Session of 1854 (17 & 18 Victoria) are 125; and omitting those enactments which relate to the army, the navy, and the militia, together with the concomitant statutes for increased income-tax, and others of a less interesting character, we come to the stat. 17 & 18 Vict. c. 16,

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I I

(County Courts), intituled "An Act to amend an Act of the 13 & 14 Vict. c. 61, and 15 & 16 Vict. c. 54."

It will be remembered that the Court of Exchequer decided that no appeal lay from a county court in cases where the claim exceeded 50l., and was brought by agreement of the parties within its jurisdiction. By this act the right of appeal is given in such cases; but it may be excluded if the parties express their desire, in the memorandum of agreement filed with the clerk of the court, that the decision of the county court judge shall be final.

By a former act (15 & 16 Vict. c. 54, s. 18) a registry of every county court judgment for the sum of 10l. and upwards is to be kept; and that provision is now, by the 2nd section of this act, extended to all petitions for protection from process made to a county court.

It is sufficient merely to mention the 17 & 18 Vict. c. 25, for amending "the Industrial and Provident Societies Act, 1852;" and c. 26, for assimilating "the law and practice existing in cases of high treason in Ireland to the law and practice existing in cases of high treason in England."

Stat. 17 & 18 Vict. c. 31, "the Railway and Canal Traffic Act, 1854."—By this act every railway and canal company is to afford all reasonable facilities for the conveyance of traffic, both on their own railways and canals and on those near\* to them, and not to shew any undue preference in favour of any particular class of persons or description of goods. (Sect. 2). In case

\* The word "near," by sect. 1, means where the station, terminus, or wharf of one company is not more than a mile from that of another, such stations not being within five miles from St. Paul's.

of any violation of this act, complaint may be made by summons or on motion to the Court of Common Pleas, or any judge thereof\*, who may direct necessary inquiries to be made by engineers, barristers, or others, and restrain the company, by writ of injunction or interdict, from violating the act, and enforce obedience thereto by attachment of the directors, or some of them, or other person disobeying the writ, and direct payment of a sum not exceeding 200*l.* for each day, after a day to be named in the order, that the company shall fail to obey the writ, and the money shall be payable as the court or a judge may direct, to the party complaining, or into court to abide the ultimate decision, or to the Queen. Costs may also be awarded. (Sect. 3). A rehearing may be directed, and the order varied or rescinded. (Sect. 5).

For the purpose of obviating the effect of recent decisions, that railway companies may limit their liability as to animals and the like, even in cases of gross negligence, (*Carr v. The Lancashire and Yorkshire Railway Company*, 17 Jur., part 1, p. 379; 21 L. J., Ex., 261; *Chippendale v. The Lancashire and Yorkshire Railway Company*, 21 L. J., Q. B., 22; *The Great Northern Railway Company v. Morville*, 16 Jur., part 1, p. 528; *Austin v. The Manchester Railway Company*, 16 Jur., part 1, p. 763), it is enacted, that every such company is to be liable for the loss of, or any injury done to, horses or other animals, or to any goods, occasioned by the neglect or default of the company or its servants, notwithstanding any notice or condition contrary thereto, or in anywise limiting such liability, every such notice, condition, or declaration being declared to be void; but such conditions, with respect to the receiving, forwarding, and delivering the said animals, &c., may be made as shall be adjudged, by the court or judge before whom any question relating thereto shall be tried, to be just and reasonable; and no greater damages shall be recovered than as follow:—For a horse, 50*l.*; for any neat cattle, per head, 15*l.*; for any sheep or pigs, per head, 2*l.*; unless the person sending them declares them to be of higher value, in which case the company may charge a reasonable per-centage in addition to the ordinary rate, and such per-centage is to be notified in the manner prescribed by the Carriers Act, 11 Geo. 4 & 1 Will. 4, c. 68†.

The proof of value, and of the amount of injury, is always to be on the party claiming compensation. No special contract between the company and any party respecting the receiving, forwarding, or delivering of animals, &c., shall be binding upon such party unless the same be signed by him, or by the person delivering the animals, &c. (Sect. 7).

General rules for carrying the act into execution may be framed. (Sect. 4).

Stat. 17 & 18 Vict. c. 34, (*Evidence*), after reciting the inconvenience of the superior Courts not being able to compel the attendance of witnesses resident in one part

of the United Kingdom at a trial in another part, provide for the issuing of process by special order for that purpose, and also, if sufficient money has been tendered for the expenses of coming, attending, and returning from the trial, for the punishment of the party disobeying such process, (sects. 1—4); but the act is not to affect the power of the Courts to issue a commission, or the admissibility of any evidence at any trial, where such evidence is now receivable, on the ground of any witness being beyond the jurisdiction of the Court. (Sects. 5, 6).

Stat. 17 & 18 Vict. c. 36, “an act for preventing frauds upon creditors by secret bills of sale of personal chattels,” enacts, that every bill of sale of personal chattels made after the passing of the act, (10th July, 1854), and every schedule or inventory thereto, or a true copy thereof, and of every attestation of the execution thereof, shall, together with an affidavit of the time of such bill being made or given, and a description of the residence and occupation of the person making or giving the same, and of the attesting witness to such bill, be filed with the Clerk of the Docquets and Judgments in the Queen’s Bench within twenty-one days after the making or giving such bill, (in like manner as a warrant of attorney in any personal action given by a trader\*), or it shall be void against assignees in bankruptcy or insolvency, assignees for the benefit of creditors, and against execution creditors, so far as regards the property in such goods which at or after the time of such bankruptcy, &c., and after the expiration of the said period of twenty-one days, shall be in the possession or apparent possession of the person making such bill of sale. (Sect. 1†). If the bill is subject to any defeasance or condition or declaration of trust not contained in it, such defeasance, &c. shall be taken, for the purposes of this act, to be part of the bill, and shall be written on the same paper or parchment before the filing thereof, or the bill shall be void as if it had not been filed. (Sect. 2). The officer is to keep a book containing the particulars of each bill of sale so filed, and any judge of the Court of Queen’s Bench may order satisfaction to be entered upon any bill of sale, if it appears to him that the debt has been satisfied. (Sects. 3—6). The interpretation clause shews what meanings are to be affixed to “bill of sale” and “personal chattels,” and when the latter are to be deemed in the “apparent possession” of the person making the bill of sale. (Sect. 7).

It is remarkable, that although this act contains provisions so materially affecting the rights of parties taking bills of sale, and allows only twenty-one days for registration from the execution or giving thereof, no future period was fixed for its coming into operation: it thus took effect immediately from the time of its receiving the royal assent, (10th July, 1854), and in consequence of this, there are doubtless many instances in which parties, ignorant of the enactment, have failed to register their bills of sale within the limited period.

The Queen has been pleased to appoint Neville Parker, Esq., to be a Puisne Judge of the Supreme Court of the Province of New Brunswick, with rank and precedence in the said Court next after the Chief Justice; and Joseph Hensley, Esq., to be Attorney-General, and Dennis O’Meara, Esq., to be Solicitor-General, for the Island of Prince Edward.

\* This is the only mode of proceeding for a violation of the above enactments. Provision is also made for complaints in Ireland and Scotland. (Sect. 2).

† Nothing in the principal act contained is to affect the rights or liabilities of any company under the Carriers Act with respect to articles of the descriptions therein mentioned.

\* See 2 Arch. Prac., by Chitty, 862—866.

† It also provides in similar terms for bills of sale “made or given by any person under or in the execution of any process.” (See sect. 1).

## ENGLISH COPYRIGHT IN FOREIGN COMPOSITIONS.

(From a Correspondent).

Our literary privateers seem to have very much mistaken the scope of the letters of mart recently issued by the House of Lords in *Jefferys v. Boosey*. Up to the present moment the making prize of literary works of foreigners first published in this country after the 1st July, 1842, (when the stat. 5 & 6 Vict. c. 45, was passed), has not been sanctioned by a single decision of any Court, and it is not quite safe to assume either that the 4th section of the Alien Act, 7 & 8 Vict. c. 66, (cited below), is wholly inoperative, or that a construction of the repealed Copyright Acts which is not tenable on any ground, whether of criticism, of principle, of common sense, of policy, or of authority, will be imitated, to the further discredit of the Court of ultimate appeal, when judgment is to be given according to the effect of the very differently worded statutes which are now in force, and which were passed with the intention of making essential alterations in the law. If the commonly-received explanation of *Jefferys v. Boosey*—that it was decided with a view to the possible renewal of the late abortive negotiations with the United States for a copyright treaty, (a notion receiving some countenance from the ill-judged allusion to those negotiations made by Lord St. Leonards)—were correct, there might be some reason for fearing a second decision of the same quality; but if we reject that libel on the sense and honour of the Court, and are content to rank its late decision with *Lord Lincoln's case*, and other inexplicable though unquestionable blunders, there may be some hope that with a new case a better light may break in, and shew the way to a sounder conclusion.

Before we consider the differences between the existing and the repealed statutes it will be useful to shew that the late decision, though binding and irreversible as regards all cases of the same kind which are governed by the repealed statutes, is (unless it be rested on an accidental objection to the plaintiff's title, which Lord St. Leonards relied on) wholly unsound and contrary to principle and authority, and therefore not to be followed in any case depending on the existing statutes. In doing this we shall avail ourselves of an article which appeared in *THE JURIST* (vol. 14, part 2, p. 46) shortly after the decision in *Boosey v. Purday*, (13 Jur., part 1, p. 918).

The common-law right of an author and his representatives to restrain others from selling copies of his unpublished works has always been recognised, and still subsists. Thus, in *The Duke of Queensberry v. Shabbeare*, (2 Eden, 329), the publication of Lord Clarendon's History of the Reign of Charles the Second was restrained on the application of his executors, who had the MS., then nearly a century old. Other authorities to the same effect are *Webb v. Rose*, (cited 4 Burr. 2330; 3 Swanst. 674); *Pope v. Curl*, (2 Atk. 342); *Macklin v. Richardson*, (Amb. 694); *Thompson v. Stanhope*, (1d. 737); *Southey v. Sherwood*, (2 Mer. 436); *Pritchard v. Gee*, (2 Swanst. 425); *Paley's case*, (cited 2 V. & B. 23); *Perceval v. Phipps*, (2 V. & B. 19); *Morris v. Kelly*, (1 J. & W. 481); and *Abernethy v. Hutchinson*, (2 L. J., O. S., Ch., 209). In *Prince Albert v. Strange*, (1 Mac. & G. 43), Lord Cottenham said, "The property of an author or composer of any work, whether of literature, art, or science, in such work, unpublished, and kept for his private use or pleasure, cannot be disputed after the many decisions in which that right has been affirmed or assumed." That this right is a species of property, and not a mere right to privacy, is shewn by *Paley's case*, and by *Macklin v. Richardson* and *Abernethy v. Hutchinson*, where the publication of the work in a parish, on the stage, or in the lecture-

room, was held not to destroy the right, (though now the public representation of a play is by statute equivalent to publishing it as a book. 5 & 6 Vict. c. 45, s. 20).

This right is not lost by publication. Publication in the lecture-room, or on the stage, did not destroy it; nor, in the case of letters, does the receiver take, with the right of property in the letter itself, a right to publish its contents; that remains with the writer. It is not lost by circulating manuscript copies, as in *Paley's case*; nor even by selling such copies, as in *White v. Gerock*, (2 B. & Al. 298). There is nothing in the act of selling printed copies which should have a different effect. It is a mode of enjoying, and not an abandonment of the property. The author gives the use of his work to the public in a modified manner, and upon certain terms, which cannot be varied without his consent, (see *Abernethy v. Hutchinson*, 2 L. J., O. S., Ch., 209), any more than (as was said in *Tonson v. Collins*) the borrower or purchaser of a key, admitting him to private grounds, can make other keys from that, and sell them.

The early development of the law of copyright was impeded by many circumstances. In the infancy of the art of printing, the profits of authorship were not thought of; the value of the materials, and the labour and skill employed in setting up the types of a book, constituted the principal elements of its cost; and copyright was first claimed by the printer, who sought to be protected from rival editions until his own was sold off. This was secured, in individual cases, by exclusive license from the Crown, which assumed not only a right of censorship over the press, but also the sole use of the art of printing, pretending that it had been introduced into the realm at the expense of the Crown. When the author's copy became valuable, protection was sought for it from the same source. The prerogative was then stronger than the law. These patents to individuals, the privileges of the Stationers' Company, (which was established in the reign of Philip & Mary as a kind of literary inquisition), and the several acts for licensing printed books, (the last of which expired in 1694), hindered the free application of the common law to this species of property; and the usurpations of the prerogative were scarcely abated before the common-law right was abolished, in respect of published works, by the stat. 8 Ann. c. 19; but its existence up to the passing of that act is clearly established. The exclusive licenses granted to individuals were always understood to be an exercise of the Crown's right of censorship, founded in each case on the author's title to his copy. They were never classed with the monopolies prohibited by the statute of James I. The inherent right of an author and his assigns to his copy, independently of royal grant, is assumed in all the acts of Parliament and ordinances for the regulation of printing which preceded the statute of Anne. Thus, in the Licensing Act of the 13 & 14 Car. 2, c. 33, s. 6, it is enacted, that no one shall print any book "which any person, by force or virtue of any letters-patent granted as aforesaid, or (where the same is not granted by any letters-patent) by force or virtue of any entry thereof duly made in the register-book of the said Company of Stationers, or in the register-book of either of the universities respectively, has, or shall have, the right, privilege, authority, or allowance solely to print, without the consent of the owner of such book." Now, registry with the Stationers' Company conferred no property, but was merely a condition precedent to the liberty of publishing at all; and it was expressly held that this statute gave no new right, but only the new remedy of an action of debt. (*The Stationers' Company v. Parker*, Skin. 233). The preamble to the stat. 8 Ann. c. 19, is to the same effect:—"Whereas printers, booksellers, and other persons have of late frequently taken the liberty of printing, reprinting, and publish-



ing books and other writings without the consent of the authors or proprietors of such books and writings, to their very great detriment," &c.; language clearly referring to the invasion of an existing right, though at that time the Licensing Acts had expired, and the notion and practice of obtaining a privilege of monopoly by royal grant were exploded. Indeed, the title of the Crown itself to what were called prerogative copies (such as law books, the translation of the Bible, almanacks, &c.) was always founded on the expense bestowed by the Crown, directly or indirectly, on the compilation of those works. Again: in the enacting part of the statute of Anne, the copyright in books then already printed was secured to the authors, if they had not transferred their copies, or to their assignees, for twenty-one years, "and no longer." There could be no assignees if there were no property to assign. The copyright in books then "already composed, and not printed and published, or that should thereafter be composed," is secured to the authors and their assignees for the term of fourteen years from the day of the first publishing the same, "and no longer." The leaving of a longer term to works already published than was allowed to future works, shews that the act was understood to be restrictive of an existing right. The original bill was intended to give better protection to the common-law perpetual copyright.

Before the ultimate decision in *Donaldson v. Beckett* (2 Bro. P. C. 129; 4 Burr. 2303) it was held in several cases that the statute merely gave additional remedies for a term, leaving the author to his right at common law after that term had expired. (*Tonson v. Walker*, 3 Swanst. 673, and the cases there cited; *Millar v. Taylor*, 4 Burr. 2303). In *Tonson v. Collins*, cited in *Millar v. Taylor*, the Court of Queen's Bench, and afterwards the Court of Exchequer Chamber, were prepared to decide unanimously to that effect, but the case was dismissed on the ground of suspected collusion. Those cases were overruled by the House of Lords in *Donaldson v. Beckett*, as it seems on the satisfactory ground that the words "and no longer," in the statute of Anne, cut down the perpetuity of the common-law right, in cases within the statute, to the period therein specified. The ground of that decision can only be surmised; but as seven of the eleven judges who were consulted, and also Lord Mansfield, who did not speak, were of opinion that at the common law copyright was not destroyed by publication, it is plain that *Donaldson v. Beckett* did not overrule the prior decisions as to the effect of publication. Of the four judges who spoke the other way, one (Eyre, B.) thought that an author had not the sole right of printing even before publication; and two (Perrott, B., and Adams, B.) thought, that though he had that right, he could not bring an action against a person printing from his manuscript, unless the copy was obtained by fraud or violence—errors so obvious as greatly to lessen the weight of the opinions with which they were associated.

The objection so strenuously urged by Mr. Justice Yates and others, against including copyright in that notion of property which comprises such incorporeal rights as advowsons, tolls, and franchises, seems absurd enough. It was also beside the question, which was not as to the proper denomination of the right, but whether it existed by the common law in a book printed, as it certainly did in a book merely written, and whether it existed independently of the statute, as it certainly did by virtue of it. The common law recognises other rights than those of property, and has a scope as unlimited as that of the Legislature itself.

It was also urged that literary compositions ought to stand on the same footing as inventions in manufactures; but not to insist on the marked distinction between a literary work, which has an unmistakeable individuality both in itself and in its origin, and an

invention, which is a mere conception of a mode of action, that may, and generally does, occur independently to many minds, so that it would be impossible to distinguish between piracy and re-invention, the same considerations of expediency which are the grounds for giving protection in either case, and upon which the institution of property in general is founded, supply a reason for limiting the rights of the inventor more strictly than those of the author. Copyright merely prevents others from making a pecuniary profit of the particular work, and in no way limits the use of the ideas contained in it, or restrains others in the exercise of their own abilities; for two authors cannot write the same book, though two men may invent the same machine. A patent not only secures to the inventor the use of his invention, but prevents another, who may arrive at the same result by his own ingenuity, from turning it to account. To give a perpetual monopoly to the one who happens first to perceive and put in practice that which in the natural progress of the arts is sure to occur to many, would be to fetter and not to encourage improvement.

The right of an alien author to protection for his copies by the common law does not appear to have been expressly decided; but it is a necessary consequence of the rules of law with respect to aliens. With some exceptions as to land, founded on feudal and political reasons, an alien, whether resident here or abroad, has the same rights in respect of property and contracts as a natural-born subject would have under the same circumstances. It was resolved in *Calvin's case* (7 Rep. 17) that "an alien friend may by the common law have, acquire, and get, within the realm, by gift, trade, or other lawful means, any treasure or goods personal whatsoever, as well as any Englishman, and may maintain any action for the same; for if they should be disabled to acquire and maintain these things, it were in effect to deny unto them trade and traffic, which is the life of every island." (See Dy. 2 b; Cro. Car. 8; 2 Taunt. 37; Bac. Ab., "Alien," D.; Com. Dig., "Alien," C. 5). So completely are all the personal rights of an alien, not involving the possession of land, or the exercise of constitutional privileges, recognised by our law, that an alien resident abroad may maintain an action for the slander of his reputation in this country: *Tuerloote v. Morrison*, (Yelv. 198; Bulst. 134); *Pisani v. Lawson*, (8 Scott, 182), in which last case the doctrine was rested upon general considerations of justice, and not on the expediency of encouraging commerce. This maxim of the common law has been confirmed by a declaration in the recent Alien Act, 7 & 8 Vict. c. 66, s. 4, (stated below). An alien author was therefore clearly entitled by the common law to the same protection of his property in his unpublished compositions as a native, and the act of publishing or procuring the publication of the work here could not be an abandonment of that right in the one case more than in the other. It seems to us that the right might have been carried further; for as publication here is not an abandonment of the copy, publication abroad, whether by a British subject or by a stranger, cannot be so, unless that interpretation is put upon it by the local law, in which case it might perhaps be thought to defeat the right everywhere. But see *Beard v. Egerton*, (3 C. B. 97). Subject, however, to the effect of any local law, it seems to be clear that by the common law an author, whether native or alien, and whether he first published here or abroad, had a perpetual copyright in his works.

The question remains, whether this right has been taken away by the Legislature in the case of an alien. The provisions of the Copyright Acts must be as extensively applicable as the common law which they superseded, unless their operation is limited by express words or necessary implication. The stat. 8 Ann. c. 19, after

giving protection for twenty-one years to books then already printed, confers on the author of a book or books "already composed, and not printed and published, or that shall hereafter be composed," a copyright for fourteen years from the day of the first publishing the same. Here the word "composed" is evidently used merely for the purpose of distinguishing the class of future books from that of existing copyrights, which are secured for a longer term; and it cannot be taken to refer to compositions in this country exclusively, although in *Clementi v. Walker* (2 B. & Cr. 861) the words "printed and published" appear to have been read with that limitation. In the stat. 12 Geo. 2, c. 36, "for prohibiting the importation of books reprinted abroad, and first composed or written and printed in Great Britain," the conjunctive "and" certainly makes the fact of composition in this country essential to bring a book within the protection of that act; but any argument founded on that expression is displaced by the language of the stat. 41 Geo. 3, c. 107, "for the further encouragement of learning," &c., where the words are, (sect. 7), "first composed, written, or printed and published in any part of the United Kingdom."

There was nothing, then, in the repealed acts to place aliens upon a less advantageous footing than natural-born subjects in respect to copyright. Either they gave to an alien the same copyright which they gave to a subject, or they did not apply to him at all, and left him his common-law right. An expression in the first International Copyright Act, 1 & 2 Vict. c. 59, s. 1, has been supposed to sanction a different construction of the repealed acts. That act authorised the Crown, by order in Council, to direct that the authors of books which should be published in any foreign country, to be therein specified, should have the sole liberty of printing and reprinting such books within the British dominions, for such term as her Majesty should direct, "not exceeding the term which authors, being British subjects, are now by law entitled to in respect to books first published within the United Kingdom." If this means anything adverse to the rights of foreigners, it must mean that an alien cannot acquire a copyright even by publishing during a temporary residence here—a proposition expressly repudiated by the noble Lords who delivered judgment in the late case. The widest inference that can be drawn from it is, that it was thought there might be a doubt as to the rights of aliens. The object was to furnish a precise measure of the term to be granted—not to risk the efficacy of the enactment on the correctness of a reference purporting to embrace every case, but to select an instance which should be free from doubt. If the expression suggests a doubt as to aliens, it leaves the question open, whether aliens, if not within the Copyright Acts, may have a perpetual copyright by the common law. That the intention was not to refer to every possible case of copyright is also plain from the reference to first publication here, coupled with the enactment in the 14th section of the same act, "that the author of any book to be, after the passing of this act, first published out of her Majesty's dominions, shall have no copyright therein within her Majesty's dominions, otherwise than such (if any) as he may become entitled to under this act:" an enactment not declaratory of an existing law, but confined to publication subsequent to its passing, and implying that, under the prior law, first publication here was not essential, although, as we shall see, *prompt publication* was. A further inference from that enactment is, that foreign authors first publishing here would still be entitled to copyright.

The conclusion which we have drawn from general considerations is well supported by authority. That an alien author, temporarily residing in this country, and first publishing here, is entitled to protection, was assumed in *Bach v. Longman*, (Cowp. 623).

In *Clementi v. Walker* (2 B. & Cr. 861) a piece of music had been published at Paris in June, 1814, with the sanction of the composer, who in the September following, being in England, verbally sold the work to the plaintiffs, who published here in the same month. In 1818 the defendant published without the plaintiffs' authority. In 1822 the composer executed a formal assignment, in writing, to the plaintiffs. It was held, that, the parol assignment being ineffectual, there was no publication here, either by the author or by his assignee, before the year 1822, and that the work, having in the meantime been fairly published by a third party, became publici juris. The Court was of opinion that the statutes contemplated books *printed* as well as published here, and that no protection was intended to be given where the author prints and publishes abroad only, without ever publishing here, or without publishing within a reasonable time after the publication abroad, and before any other person has fairly published on his own account. Whether the act of publishing abroad made the work at once publici juris it was not necessary to decide. In that case the Court assumed, that if the author had first published here he would have been entitled to protection; so that, as far as it goes, it favours the alien's claim. Bayley, J., said, "The case, therefore, is reduced to this—whether an author, who first publishes abroad, and, instead of using due diligence to publish here, forbears to publish until some other, fairly and without blame, publishes here, can insist upon his privilege." What privilege, if he could not have a copyright under any circumstances? Again: "The different statutes which give protection to authors do not give it as to all books, but as to *printed books* only." This observation is the key to the whole of the judgment; and, if it had been well considered in *Boosey v. Purday*, might have led to a different conclusion.

(To be continued).

## THE COMMON-LAW PROCEDURE ACT, 1854.

[We give this Statute out of its numerical order on account of its importance to the Profession.]

### CAP. CXXV.

An Act for the further Amendment of the Process, Practice, and Mode of Pleading in and enlarging the Jurisdiction of the Superior Courts of Common Law at Westminster, and of the Superior Courts of Common Law of the Counties Palatine of Lancaster and Durham.

[12th August, 1854.]

1. Judge may, by Consent, try Questions of Fact.
2. Two Judges may sit at same Time for Trial of Causes pending in the same Court.
3. Power to Court or Judge to direct Arbitration before Trial.
4. Special Case may be stated, and Question of Fact tried.
5. Arbitrator may state special Case.
6. Power to Judge to direct Arbitration at Time of Trial, when Issues of Fact left to his Decision.
7. Proceedings before and Power of such Arbitrator.
8. Power to send back to Arbitrator.
9. Application to set aside the Award.
10. Enforcing of Awards within Period for setting them aside.
11. If Action commenced by one Party after all have agreed to Arbitration, Court or Judge may stay Proceedings.
12. On Failure of Parties or Arbitrators, Judge may appoint single Arbitrator or Umpire.
13. When Reference is to two Arbitrators, and one Party fail to appoint, other Party may appoint Arbitrator to act alone.
14. Two Arbitrators may appoint Umpire.
15. Award to be made in three Months, unless Parties or Court enlarge Time.

16. Rule to deliver Possession of Land pursuant to Award to be enforced as a Judgment in Ejectment.
17. Agreement or Submission in Writing may be made Rule of Court, unless a contrary Intention appear.
18. Speeches to the Jury.
19. Power to adjourn Trial.
20. Affirmation instead of Oath in certain Cases.
21. Persons making a false Affirmation to be subject to the same Punishment as for Perjury.
22. How far a Party may discredit his own Witness.
23. Proof of contradictory Statements of adverse Witness.
24. Cross-examination as to previous Statements in Writing.
25. Proof of previous Conviction of a Witness may be given.
26. Attesting Witness need not be called, except in certain Cases.
27. Comparison of disputed Writing.
28. Provision for stamping Documents at the Trial.
29. Officer of the Court to receive the Duty and Penalty. 13 & 14 Vict. c. 97.
30. No Document under this Act to require a Stamp.
31. No new Trial for ruling as to Stamp.
32. Error may be brought on a special Case.
33. Grounds to be stated in Rule Nisi for new Trial.
34. If Rule Nisi refused, Party may appeal.
35. Appeal upon Rule discharged or absolute.
36. Courts of Error to be Courts of Appeal.
37. Notice of Appeal.
38. Bail.
39. Form of Appeal.
40. Rule Nisi granted on Appeal, how disposed of.
41. Judgment Court of Appeal.
42. Powers of Court of Appeal as to Costs and otherwise.
43. Error upon Award of Trial de novo.
44. Payment of Costs upon new Trial on Matter of Fact.
45. Affidavits on new Matter.
46. Power to Court or Judge to direct oral Examinations of Witnesses.
47. Proceedings before and upon such Examination. 1 Will. 4, c. 22.
48. Examination of Person who refuses to make an Affidavit.
49. Proceedings upon Order for Examination.
50. Discovery of Documents.
51. Power to deliver written Interrogatories to opposite Party.
52. Affidavits by Party proposing to interrogate, and his Attorney.
53. Oral Examination of Parties, when to be allowed.
54. Proceedings upon such Rule or Order.
55. Depositions upon such Examinations to be returned to the Master's Office. 1 Will. 4, c. 22.
56. Examiner may make special Report to the Court.
57. Costs of Rule and Examination to be in the Discretion of the Court.
58. Inspection by Jury, of Parties, or Witnesses.
59. Rule or Order for summoning Jury.
60. Examination of Judgment Debtor as to Debts due to him.
61. Judge may order an Attachment of Debts.
62. Order for Attachment to bind Debts.
63. Proceedings to levy Amount due from Garnishee to Judgment Debtor.
64. Judge may allow Judgment Creditor to sue Garnishee.
65. Garnishee discharged.
66. Attachment Book to be kept by the Masters of each Court.
67. Costs of Application.
68. Action for Mandamus to enforce the Performance of Duties.
69. Declaration in Action for Mandamus.
70. Proceedings upon Claim for Mandamus.
71. Judgment and Execution.
72. Form of peremptory Writ.
73. Effect of Writ of Mandamus, and Proceedings to enforce it.

74. The Court may order the Act to be done at the Expense of the Defendant.
75. Prerogative Writ of Mandamus preserved.
76. Proceedings for Prerogative Writ of Mandamus accelerated.
77. Proceedings on Prerogative Writ of Mandamus.
78. Specific Delivery of Chattels.
79. Claim of Writ of Injunction.
80. Form of Writ of Summons and Indorsement thereon.
81. Form of Proceedings and of Judgment.
82. Writ of Injunction may be applied for at any Stage of the Cause.
83. Equitable Defence may be pleaded.
84. Equitable Defence after Judgment.
85. Equitable Replication.
86. Court or Judge may strike out equitable Plea or Replication.
87. Actions on lost Instruments.
88. Jurisdiction under Shipowners Act, 53 Geo. 3, c. 159.
89. False Evidence.
90. Execution to fix Bail.
91. Scire Facias on Judgment of Assets in Futuro.
92. To compel Continuance or Abandonment of Action in case of Death.
93. Claimant in second Ejectment for same Premises against same Defendant may be ordered to give Security for Costs.
94. As to Writs of Execution issued before 24th October, 1852.
95. Courts may appoint Sittings.
96. Amendments.
97. General Rules may be made by the Judges.
98. New Forms of Writs and other Proceedings.
99. Interpretation of Terms.
100. Provisions relating to Superior Courts to apply to Court of Common Pleas at Lancaster and Court of Pleas at Durham.
101. Provisions as to Masters of Superior Courts to apply to Prothonotaries of Palatinate Courts.
102. Court of Queen's Bench to be the Court of Appeal from Palatinate Courts.
103. Enactments in Sects. 19 to 32 to apply to every Civil Court of Judicature in England and Ireland.
104. Commencement of Act.
105. Her Majesty may direct all or Part of this Act to extend to any Court of Record.
106. Short Title of Act.
107. Act not to extend to Ireland or Scotland.

Be it enacted &c. as follows:—

Sect. 1. The parties to any cause may, by consent in writing, signed by them or their attorneys, as the case may be, leave the decision of any issue of fact to the court, provided that the court, upon a rule to shew cause, or a judge on summons, shall, in their or his discretion, think fit to allow such trial; or provided the judges of the superior courts of law at Westminster shall, in pursuance of the power hereinafter given to them, make any general rule or order dispensing with such allowance, either in all cases or in any particular class or classes of cases to be defined in such rule or order; and such issue of fact may thereupon be tried and determined, and damages assessed where necessary, in open court, either in term or vacation, by any judge who might otherwise have presided at the trial thereof by jury, either with or without the assistance of any other judge or judges of the same court, or included in the same commission at the assizes; and the verdict of such judge or judges shall be of the same effect as the verdict of a jury, save that it shall not be questioned upon the ground of being against the weight of evidence; and the proceedings upon and after such trial, as to the power of the court or judge, the evidence, and otherwise, shall be the same as in the case of trial by jury.

2. It shall be lawful for any one of the judges of any of the superior courts at Westminster, at the request of the Lord Chief Justice or Lord Chief Baron, to try the causes entered for trial at Nisi Prius in Westminster and London in either of the courts, on the same days on which the said Lord Chief Justice or Lord Chief Baron, or any other judge of the same court, shall be sitting to try causes at those places respectively, or at either of them, so that the trial of two causes may be proceeded with at the same time; and all jurors, witnesses, and

other persons who may have been summoned or required to attend at or for the trial of any cause before the said Lord Chief Justice or Lord Chief Baron, as the case may be, shall give their attendance at and for the trial thereof before such other judge as may be sitting to try the same by virtue of this act; and it shall be lawful for the associates and other officers of the Lord Chief Justice or Lord Chief Baron, as the case may be, to appoint from time to time fit and proper persons, to be approved by the said Lord Chief Justice or Lord Chief Baron, to attend for them and on their behalf respectively before such judge; and the trial of every cause which shall be so had by virtue of this act shall, if necessary, be entered of record, as having been had before the judge by whom such cause in fact was tried.

3. If it be made appear, at any time after the issuing of the writ, to the satisfaction of the court or a judge, upon the application of either party, that the matter in dispute consists wholly or in part of matters of mere account which cannot conveniently be tried in the ordinary way, it shall be lawful for such court or judge, upon such application, if they or he think fit, to decide such matter in a summary manner, or to order that such matter, either wholly or in part, be referred to an arbitrator appointed by the parties, or to an officer of the court, or, in country causes, to the judge of any county court, upon such terms as to costs and otherwise as such court or judge shall think reasonable; and the decision or order of such court or judge, or the award or certificate of such referee, shall be enforceable by the same process as the finding of a jury upon the matter referred.

4. If it shall appear to the court or a judge that the allowance or disallowance of any particular item or items in such account depends upon a question of law fit to be decided by the court, or upon a question of fact fit to be decided by a jury, or by a judge upon the consent of both parties as hereinbefore provided, it shall be lawful for such court or judge to direct a case to be stated, or an issue or issues to be tried; and the decision of the court upon such case, and the finding of the jury or judge upon such issue or issues, shall be taken and acted upon by the arbitrator as conclusive.

5. It shall be lawful for the arbitrator upon any compulsory reference under this act, or upon any reference by consent of parties where the submission is or may be made a rule or order of any of the superior courts of law or equity at Westminster, if he shall think fit, and if it is not provided to the contrary, to state his award, as to the whole or any part thereof, in the form of a special case for the opinion of the court, and when an action is referred, judgment, if so ordered, may be entered according to the opinion of the court.

6. If upon the trial of any issue of fact by a judge under this act it shall appear to the judge that the questions arising thereon involve matter of account which cannot conveniently be tried before him, it shall be lawful for him, at his discretion, to order that such matter of account be referred to an arbitrator appointed by the parties, or to an officer of the court, or, in country causes, to a judge of any county court, upon such terms, as to costs and otherwise, as such judge shall think reasonable; and the award or certificate of such referee shall have the same effect as hereinbefore provided as to the award or certificate of a referee before trial; and it shall be competent for the judge to proceed to try and dispose of any other matters in question, not referred, in like manner as if no reference had been made.

7. The proceedings upon any such arbitration as aforesaid shall, except otherwise directed hereby or by the submission or document authorising the reference, be conducted in like manner, and subject to the same rules and enactments, as to the power of the arbitrator and of the court, the attendance of witnesses, the production of documents, enforcing or setting aside the award, and otherwise, as upon a reference made by consent under a rule of court or judge's order.

8. In any case where reference shall be made to arbitration as aforesaid the court or a judge shall have power at any time, and from time to time, to remit the matters referred, or any or either of them, to the re-consideration and re-determination of the said arbitrator, upon such terms, as to costs and otherwise, as to the said court or judge may seem proper.

9. All applications to set aside any award made on a compulsory reference under this act shall and may be made within the first seven days of the term next following the publication of the award to the parties, whether made in vacation or term;

and if no such application is made, or if no rule is granted thereon, or if any rule granted thereon is afterwards discharged, such award shall be final between the parties.

10. Any award made on a compulsory reference under this act may, by authority of a judge, on such terms as to him may seem reasonable, be enforced at any time after seven days from the time of publication, notwithstanding that the time for moving to set it aside has not elapsed.

11. Whenever the parties to any deed or instrument in writing to be hereafter made or executed, or any of them, shall agree that any then existing or future differences between them or any of them shall be referred to arbitration, and any one or more of the parties so agreeing, or any person or persons claiming through or under him or them, shall nevertheless commence any action at law or suit in equity against the other party or parties, or any of them, or against any person or persons claiming through or under him or them in respect of the matters so agreed to be referred, or any of them, it shall be lawful for the court in which action or suit is brought, or a judge thereof, on application by the defendant or defendants, or any of them, after appearance, and before plea or answer, upon being satisfied that no sufficient reason exists why such matters cannot be or ought not to be referred to arbitration according to such agreement as aforesaid, and that the defendant was at the time of the bringing of such action or suit, and still is, ready and willing to join and concur in all acts necessary and proper for causing such matters so to be decided by arbitration, to make a rule or order staying all proceedings in such action or suit, on such terms, as to costs and otherwise, as to such court or judge may seem fit: provided always, that any such rule or order may at any time afterwards be discharged or varied, as justice may require.

12. If in any case of arbitration the document authorising the reference provide that the reference shall be to a single arbitrator, and all the parties do not, after differences have arisen, concur in the appointment of an arbitrator; or if any appointed arbitrator refuse to act, or become incapable of acting, or die, and the terms of such document do not shew that it was intended that such vacancy should not be supplied, and the parties do not concur in appointing a new one; or if, where the parties or two arbitrators are at liberty to appoint an umpire or third arbitrator, such parties or arbitrators do not appoint an umpire or third arbitrator; or if any appointed umpire or third arbitrator refuse to act, or become incapable of acting, or die, and the terms of the document authorising the reference do not shew that it was intended that such a vacancy should not be supplied, and the parties or arbitrators respectively do not appoint a new one; then and in every such instance any party may serve the remaining parties or the arbitrators, as the case may be, with a written notice to appoint an arbitrator, umpire, or third arbitrator respectively; and if within seven clear days after such notice shall have been served no arbitrator, umpire, or third arbitrator be appointed, it shall be lawful for any judge of any of the superior courts of law or equity at Westminster, upon summons to be taken out by the party having served such notice as aforesaid, to appoint an arbitrator, umpire, or third arbitrator, as the case may be, and such arbitrator, umpire, and third arbitrator respectively shall have the like power to act in the reference and make an award as if he had been appointed by consent of all parties.

13. When the reference is, or is intended to be, to two arbitrators, one appointed by each party, it shall be lawful for either party, in the case of the death, refusal to act, or incapacity of any arbitrator appointed by him, to substitute a new arbitrator, unless the document authorising the reference shew that it was intended that the vacancy should not be supplied; and if on such a reference one party fail to appoint an arbitrator, either originally or by way of substitution as aforesaid, for seven clear days after the other party shall have appointed an arbitrator, and shall have served the party so failing to appoint with notice in writing to make the appointment, the party who has appointed an arbitrator may appoint such arbitrator to act as sole arbitrator in the reference, and an award made by him shall be binding on both parties as if the appointment had been by consent: provided, however, that the court or a judge may revoke such appointment, on such terms as shall seem just.

14. When the reference is to two arbitrators, and the terms of the document authorising it do not shew that it was intended that there should not be an umpire, or provide otherwise for

the appointment of an umpire, the two arbitrators may appoint an umpire at any time within the period during which they have power to make an award, unless they be called upon by notice as aforesaid to make the appointment sooner.

15. The arbitrator acting under any such document or compulsory order of reference as aforesaid, or under any order referring the award back, shall make his award under his hand, and (unless such document or order respectively shall contain a different limit of time) within three months after he shall have been appointed, and shall have entered on the reference, or shall have been called upon to act by a notice in writing from any party, but the parties may by consent in writing enlarge the term for making the award; and it shall be lawful for the superior court of which such submission, document, or order is or may be made a rule or order, or for any judge thereof, for good cause to be stated in the rule or order for enlargement, from time to time to enlarge the term for making the award; and if no period be stated for the enlargement in such consent or order for enlargement, it shall be deemed to be an enlargement for one month; and in any case where an umpire shall have been appointed it shall be lawful for him to enter on the reference in lieu of the arbitrators, if the latter shall have allowed their time or their extended time to expire without making an award, or shall have delivered to any party or to the umpire a notice in writing stating that they cannot agree.

16. When any award made on any such submission, document, or order of reference as aforesaid directs that possession of any lands or tenements capable of being the subject of an action of ejectment shall be delivered to any party, either forthwith or at any future time, or that any such party is entitled to the possession of any such lands or tenements, it shall be lawful for the court, of which the document authorising the reference is or is made a rule or order, to order any party to the reference who shall be in possession of any such lands or tenements, or any person in possession of the same claiming under or put in possession by him since the making of the document authorising the reference, to deliver possession of the same to the party entitled thereto, pursuant to the award, and such rule or order to deliver possession shall have the effect of a judgment in ejectment against every such party or person named in it, and execution may issue, and possession shall be delivered by the sheriff as on a judgment in ejectment.

17. Every agreement or submission to arbitration by consent, whether by deed or instrument in writing, not under seal, may be made a rule of any one of the superior courts of law or equity at Westminster, on the application of any party thereto, unless such agreement or submission contain words purporting that the parties intend that it should not be made a rule of court; and if in any such agreement or submission it is provided that the same shall or may be made a rule of one in particular of such superior courts, it may be made a rule of that court only; and if, when there is no such provision, a case be stated in the award for the opinion of one of the superior courts, and such court be specified in the award, and the document authorising the reference have not, before the publication of the award to the parties, been made a rule of court, such document may be made a rule only of the court specified in the award; and when in any case the document authorising the reference is or has been made a rule or order of any one of such superior courts, no other of such courts shall have any jurisdiction to entertain any motion respecting the arbitration or award.

18. Upon the trial of any cause the addresses to the jury shall be regulated as follows:—The party who begins, or his counsel, shall be allowed, in the event of his opponent not announcing, at the close of the case of the party who begins, his intention to adduce evidence, to address the jury a second time at the close of such case, for the purpose of summing up the evidence; and the party on the other side, or his counsel, shall be allowed to open the case, and also to sum up the evidence, (if any); and the right to reply shall be the same as at present.

19. It shall be lawful for the court or judge, at the trial of any cause, where they or he may deem it right, for the purposes of justice, to order an adjournment for such time, and subject to such terms and conditions as to costs and otherwise, as they or he may think fit.

20. If any person called as a witness, or required or desiring to make an affidavit or deposition, shall refuse or be unwilling from alleged conscientious motives to be sworn, it shall be

lawful for the court or judge, or other presiding officer, or person qualified to take affidavits or depositions, upon being satisfied of the sincerity of such objection, to permit such person, instead of being sworn, to make his or her solemn affirmation or declaration in the words following: *vide* *icet*,

"I, A. B., do solemnly, sincerely, and truly affirm and declare, that the taking of any oath is, according to my religious belief, unlawful; and I do also solemnly, sincerely, and truly affirm and declare" &c.:

which solemn affirmation and declaration shall be of the same force and effect as if such person had taken an oath in the usual form.

21. If any person making such solemn affirmation or declaration shall wilfully, falsely, and corruptly affirm or declare any matter or thing, which, if the same had been sworn in the usual form, would have amounted to wilful and corrupt perjury, every such person so offending shall incur the same penalties as by the laws and statutes of this kingdom are or may be enacted or provided against persons convicted of wilful and corrupt perjury.

22. A party producing a witness shall not be allowed to impeach his credit by general evidence of bad character, but he may, in case the witness shall, in the opinion of the judge, prove adverse, contradict him by other evidence, or, by leave of the judge, prove that he has made at other times a statement inconsistent with his present testimony; but before such last-mentioned proof can be given, the circumstances of the supposed statement, sufficient to designate the particular occasion, must be mentioned to the witness, and he must be asked whether or not he has made such statement.

23. If a witness, upon cross-examination as to a former statement made by him relative to the subject-matter of the cause, and inconsistent with his present testimony, does not distinctly admit that he has made such statement, proof may be given that he did in fact make it; but before such proof can be given, the circumstances of the supposed statement, sufficient to designate the particular occasion, must be mentioned to the witness, and he must be asked whether or not he has made such statement.

24. A witness may be cross-examined as to previous statements made by him in writing, or reduced into writing, relative to the subject-matter of the cause, without such writing being shewn to him; but if it is intended to contradict such witness by the writing, his attention must, before such contradictory proof can be given, be called to those parts of the writing which are to be used for the purpose of so contradicting him: provided always, that it shall be competent for the judge, at any time during the trial, to require the production of the writing for his inspection, and he may thereupon make such use of it for the purposes of the trial as he shall think fit.

25. A witness in any cause may be questioned as to whether he has been convicted of any felony or misdemeanour, and, upon being so questioned, if he either denies the fact, or refuses to answer, it shall be lawful for the opposite party to prove such conviction; and a certificate, containing the substance and effect only (omitting the formal part) of the indictment and conviction for such offence, purporting to be signed by the clerk of the court, or other officer having the custody of the records of the court where the offender was convicted, or by the deputy of such clerk or officer, (for which certificate a fee of 5s., and no more, shall be demanded or taken), shall, upon proof of the identity of the person, be sufficient evidence of the said conviction, without proof of the signature or official character of the person appearing to have signed the same.

26. It shall not be necessary to prove by the attesting witness any instrument to the validity of which attestation is not requisite; and such instrument may be proved by admission or otherwise, as if there had been no attesting witness thereto.

27. Comparison of a disputed writing with any writing proved to the satisfaction of the judge to be genuine shall be permitted to be made by witnesses; and such writings, and the evidence of witnesses respecting the same, may be submitted to the court and jury as evidence of the genuineness, or otherwise, of the writing in dispute.

28. Upon the production of any document as evidence at the trial of any cause, it shall be the duty of the officer of the court whose duty it is to read such document to call the attention of the judge to any omission or insufficiency of the stamp;

and the document, if unstamped, or not sufficiently stamped, shall not be received in evidence until the whole or (as the case may be) the deficiency of the stamp duty, and the penalty required by statute, together with the additional penalty of 1*l.*, shall have been paid.

29. Such officer of the court shall, upon payment to him of the whole or (as the case may be) of the deficiency of the stamp duty payable upon or in respect of such document, and of the penalty required by statute, and of the additional penalty of 1*l.*, give a receipt for the amount of the duty or deficiency which the judge shall determine to be payable, and also of the penalty, and thereupon such document shall be admissible in evidence, saving all just exceptions on other grounds; and an entry of the fact of such payment, and of the amount thereof, shall be made in a book kept by such officer; and such officer shall, at the end of each sittings or assizes, (as the case may be), duly make a return to the Commissioners of the Inland Revenue of the monies, if any, which he has so received by way of duty or penalty, distinguishing between such monies, and stating the name of the cause and of the parties from whom he received such monies, and the date, if any, and description of the document, for the purpose of identifying the same; and he shall pay over the said monies to the Receiver-General of the Inland Revenue, or to such person as the said commissioners shall appoint or authorise to receive the same; and in case such officer shall neglect or refuse to furnish such account, or to pay over any of the monies so received by him as aforesaid, he shall be liable to be proceeded against in the manner directed by the 8th section of the 13 & 14 Vict. [c. 97], intituled "An Act to repeal certain Stamp Duties, and to grant others in lieu thereof, and to amend the Laws relating to the Stamp Duties;" and the said commissioners shall, upon request, and production of the receipt hereinbefore mentioned, cause such documents to be stamped with the proper stamp or stamps in respect of the sums so paid as aforesaid: provided always, that the aforesaid enactment shall not extend to any document which cannot now be stamped after the execution thereof on payment of the duty and a penalty.

30. No document made or required under the provisions of this act shall be liable to any stamp duty.

31. No new trial shall be granted by reason of the ruling of any judge that the stamp upon any document is sufficient, or that the document does not require a stamp.

32. Error may be brought upon a judgment upon a special case in the same manner as upon a judgment upon a special verdict, unless the parties agree to the contrary; and the proceedings for bringing a special case before the court of error shall, as nearly as may be, be the same as in the case of a special verdict; and the court of error shall either affirm the judgment or give the same judgment as ought to have been given in the court in which it was originally decided, the said court of error being required to draw any inferences of fact from the facts stated in such special case which the court where it was originally decided ought to have drawn.

33. In every rule nisi for a new trial, or to enter a verdict or nonsuit, the grounds upon which such rule shall have been granted shall be shortly stated therein.

34. In all cases of rules to enter a verdict or nonsuit upon a point reserved at the trial, if the rule to shew cause be refused or granted, and then discharged or made absolute, the party decided against may appeal.

35. In all cases of motions for a new trial upon the ground that the judge has not ruled according to law, if the rule to shew cause be refused, or, if granted, be then discharged or made absolute, the party decided against may appeal, provided any one of the judges dissent from the rule being refused, or, when granted, being discharged or made absolute, as the case may be, or provided the court in its discretion think fit that an appeal should be allowed: provided, that where the application for a new trial is upon matter of discretion only, as on the ground that the verdict was against the weight of evidence or otherwise, no such appeal shall be allowed.

36. The Court of Error, the Exchequer Chamber, and the House of Lords shall be courts of appeal for the purposes of this act.

37. No appeal shall be allowed unless notice thereof be given in writing to the opposite party or his attorney, and to one of the masters of the court, within four days after the decision complained of, or such further time as may be allowed by the court or a judge.

38. Notice of appeal shall be a stay of execution, provided bail to pay the sum recovered and costs, or to pay costs where the appellants was plaintiff below, be given, in like manner and to the same amount as bail in error, within eight days after the decision complained of, or before execution delivered to the sheriff.

39. The appeal hereinbefore mentioned shall be upon a case to be stated by the parties, (and in case of difference, to be settled by the court or a judge of the court appealed from), in which case shall be set forth so much of the pleadings, evidence, and the ruling or judgment objected to, as may be necessary to raise the question for the decision of the court of appeal.

40. When the appeal is from the refusal of the court below to grant a rule to shew cause, and the court of appeal grant such rule, such rule shall be argued and disposed of in the court of appeal.

41. The court of appeal shall give such judgment as ought to have been given in the court below; and all such further proceedings may be taken thereupon as if the judgment had been given by the court in which the record originated.

42. The court of appeal shall have power to adjudge payment of costs, and to order restitution; and they shall have the same powers as the court of error in respect of awarding process and otherwise.

43. Upon an award of a trial *de novo* by any one of the superior courts or by the court of error, upon matter appearing upon the record, error may at once be brought; and if the judgment in such or any other case be affirmed in error, it shall be lawful for the court of error to adjudge costs to the defendant in error.

44. When a new trial is granted, on the ground that the verdict was against evidence, the costs of the first trial shall abide the event, unless the court shall otherwise order.

45. Upon motions founded upon affidavits it shall be lawful for either party, with leave of the court or a judge, to make affidavits in answer to the affidavits of the opposite party, upon any new matter arising out of such affidavits, subject to all such rules as shall hereafter be made respecting such affidavits.

46. Upon the hearing of any motion or summons it shall be lawful for the court or judge, at their or his discretion, and upon such terms as they or he shall think reasonable, from time to time to order such documents as they or he may think fit to be produced, and such witnesses as they or he may think necessary to appear, and be examined *vivâ voce*, either before such court or judge, or before the master, and upon hearing such evidence, or reading the report of such master, to make such rule or order as may be just.

47. The court or judge may by such rule or order, or any subsequent rule or order, command the attendance of the witnesses named therein, for the purpose of being examined, or the production of any writings or other documents to be mentioned in such rule or order; and such rule or order shall be proceeded upon in the same manner, and shall have the same force and effect, as a rule of the court under an act passed in the 1 Will. 4, [c. 22], intituled "An Act to enable Courts of Law to order the Examination of Witnesses upon Interrogatories or otherwise;" and it shall be lawful for the court, or judge, or master to adjourn the examination from time to time, as occasion may require; and the proceedings upon such examination shall be conducted, and the depositions taken down, as nearly as may be, in the mode now in use with respect to the *vivâ voce* examination of witnesses under the last-mentioned act.

48. Any party to any civil action or other civil proceeding in any of the superior courts, requiring the affidavit of a person who refuses to make an affidavit, may apply by summons for an order to such person to appear and be examined upon oath before a judge or master, to whom it may be most convenient to refer such examination, as to the matters concerning which he has refused to make an affidavit; and a judge may, if he think fit, make such order for the attendance of such person before the person therein appointed to take such examination, for the purpose of being examined as aforesaid, and for the production of any writings or documents to be mentioned in such order, and may therein impose such terms as to such examination, and the costs of the application and proceedings thereon, as he shall think just.

49. Such order shall be proceeded upon in like manner as an order made under the hereinbefore-mentioned act passed in



the 1 Will. 4, and the examination thereon shall be conducted, and the depositions taken down and returned, as nearly as may be, in the mode now used on *vivâ voce* examinations under the said act of Parliament.

50. Upon the application of either party to any cause or civil proceeding in any of the superior courts, upon an affidavit by such party of his belief that any document, to the production of which he is entitled for the purpose of discovery or otherwise, is in the possession or power of the opposite party, it shall be lawful for the court or judge to order that the party against whom such application is made, or if such party is a body corporate, that some officer to be named of such body corporate, shall answer on affidavit, stating what documents he or they has or have in his or their possession or power relating to the matters in dispute, or what he knows as to the custody they or any of them are in, and whether he or they objects or object (and if so, on what grounds) to the production of such as are in his or their possession or power; and upon such affidavit being made, the court or judge may make such further order thereon as shall be just.

51. In all causes in any of the superior courts, by order of the court or a judge, the plaintiff may, with the declaration, and the defendant may, with the plea, or either of them by leave of the court or a judge may, at any other time, deliver to the opposite party or his attorney (provided such party, if not a body corporate, would be liable to be called and examined as a witness upon such matter) interrogatories in writing upon any matter as to which discovery may be sought, and require such party, or in the case of a body corporate any of the officers of such body corporate, within ten days to answer the questions in writing by affidavit, to be sworn and filed in the ordinary way; and any party or officer omitting, without just cause, sufficiently to answer all questions as to which a discovery may be sought, within the above time, or such extended time as the court or a judge shall allow, shall be deemed to have committed a contempt of the court, and shall be liable to be proceeded against accordingly.

52. The application for such order shall be made upon an affidavit of the party proposing to interrogate, and his attorney or agent, or, in the case of a body corporate, of their attorney or agent, stating that the deponents or deponent believe or believes that the party proposing to interrogate, whether plaintiff or defendant, will derive material benefit in the cause from the discovery which he seeks, that there is a good cause of action or defence upon the merits, and, if the application be made on the part of the defendant, that the discovery is not sought for the purpose of delay: provided, that where it shall happen, from unavoidable circumstances, that the plaintiff or defendant cannot join in such affidavit, the court or judge may, if they or he think fit, upon affidavit of such circumstances by which the party is prevented from so joining therein, allow and order that the interrogatories may be delivered without such affidavit.

53. In case of omission, without just cause, to answer sufficiently such written interrogatories, it shall be lawful for the court or a judge, at their or his discretion, to direct an oral examination of the interrogated party, as to such points as they or he may direct, before a judge or master; and the court or judge may by each rule or order, or any subsequent rule or order, command the attendance of such party or parties before the person appointed to take such examination, for the purpose of being orally examined as aforesaid, or the production of any writings or other documents to be mentioned in such rule or order, and may impose therein such terms as to such examination, and the costs of the application, and of the proceedings thereon, and otherwise, as to such court or judge shall seem just.

54. Such rule or order shall have the same force and effect, and may be proceeded upon in like manner, as an order made under the said hereinbefore-mentioned act passed in the 1 Will. 4.

55. Whenever, by virtue of this act, an examination of any witness or witnesses has been taken before a judge of one of the said superior courts, or before a master, the depositions taken down by such examiner shall be returned to and kept in the master's office of the court in which the proceedings are pending; and office copies of such depositions may be given out, and the depositions may be otherwise used, in the same manner as in the case of depositions taken under the hereinbefore-mentioned act passed in the 1 Will. 4, [c. 22].

56. It shall be lawful for every judge or master named in any such rule or order as aforesaid for taking examinations under this act, and he is hereby required, to make, if need be, a special report to the court in which such proceedings are pending, touching such examination, and the conduct or absence of any witness or other person thereon or relating thereto; and the court is hereby authorised to institute such proceedings and make such order and orders upon such report as justice may require, and as may be instituted and made in any case of contempt of the court.

57. The costs of every application for any rule or order to be made for the examination of witnesses by virtue of this act, and of the rule or order and proceedings thereon, shall be in the discretion of the court or judge by whom such rule or order is made.

58. Either party shall be at liberty to apply to the court or a judge for a rule or order for the inspection by the jury, or by himself, or by his witnesses, of any real or personal property the inspection of which may be material to the proper determination of the question in dispute; and it shall be lawful for the court or a judge, if they or he think fit, to make such rule or order, upon such terms as to costs and otherwise, as such court or judge may direct: provided always, that nothing herein contained shall affect the provisions of the Common-law Procedure Act, 1852, or any previous act, as to obtaining a view by a jury: provided also, that all rules and regulations now in force and applicable to the proceedings by view under the said last-mentioned act shall be held to apply to proceedings for inspection by a jury under the provisions of this act, or as near thereto as may be.

59. The several courts, or any judge thereof, may make all such rules or orders upon the sheriff or other person as may be necessary to procure the attendance of a special or common jury for the trial of any cause or matter depending in such courts, at such time and place and in such manner as they or he may think fit.

60. It shall be lawful for any creditor who has obtained a judgment in any of the superior courts to apply to the court or a judge for a rule or order that the judgment debtor should be orally examined as to any and what debts are owing to him before a master of the court, or such other person as the court or judge shall appoint; and the court or judge may make such rule or order for the examination of such judgment debtor, and for the production of any books or documents, and the examination shall be conducted in the same manner as in the case of an oral examination of an opposite party before a master under this act.

61. It shall be lawful for a judge, upon the *ex parte* application of such judgment creditor, either before or after such oral examination, and upon affidavit by himself or his attorney stating that judgment has been recovered, and that it is still unsatisfied, and to what amount, and that any other person is indebted to the judgment debtor, and is within the jurisdiction, to order that all debts owing or accruing from such third person (hereinafter called the garnishee) to the judgment debtor shall be attached to answer the judgment debt; and by the same or any subsequent order it may be ordered that the garnishee shall appear before the judge or a master of the court, as such judge shall appoint, to shew cause why he should not pay the judgment creditor the debt due from him to the judgment debtor, or so much thereof as may be sufficient to satisfy the judgment debt.

62. Service of an order that debts due or accruing to the judgment debtor shall be attached, or notice thereof to the garnishee, in such manner as the judge shall direct, shall bind such debts in his hands.

63. If the garnishee does not forthwith pay into court the amount due from him to the judgment debtor, or an amount equal to the judgment debt, and does not dispute the debt due or claimed to be due from him to the judgment debtor, or if he does not appear upon summons, then the judge may order execution to issue, and it may be sued forth accordingly, without any previous writ or process, to levy the amount due from such garnishee towards satisfaction of the judgment debt.

64. If the garnishee disputes his liability, the judge, instead of making an order that execution shall issue, may order that the judgment creditor shall be at liberty to proceed against the garnishee by writ, calling upon him to shew cause why there should not be execution against him for the alleged debt, or



for the amount due to the judgment debtor, if less than the judgment debt, and for costs of suit; and the proceedings upon such suit shall be the same, as nearly as may be, as upon a writ of revivor issued under the Common-law Procedure Act, 1852.

65. Payment made by or execution levied upon the garnishee under any such proceeding as aforesaid shall be a valid discharge to him as against the judgment debtor to the amount paid or levied, although such proceeding may be set aside or the judgment reversed.

66. In each of the superior courts there shall be kept at the master's office a debt attachment book, and in such book entries shall be made of the attachment and proceedings thereon, with names, dates, and statements of the amount recovered, and otherwise; and the mode of keeping such books shall be the same in all the courts; and copies of any entries made therein may be taken by any person, upon application to any master.

67. The costs of any application for an attachment of debt under this act, and of any proceedings arising from or incidental to such application, shall be in the discretion of the court or a judge.

68. The plaintiff in any action in any of the superior courts, except replevin and ejectment, may indorse upon the writ and copy to be served a notice that the plaintiff intends to claim a writ of mandamus, and the plaintiff may thereupon claim in the declaration, either together with any other demand which may now be enforced in such action, or separately, a writ of mandamus commanding the defendant to fulfil any duty in the fulfilment of which the plaintiff is personally interested.

69. The declaration in such action shall set forth sufficient grounds upon which such claim is founded, and shall set forth that the plaintiff is personally interested therein, and that he sustains or may sustain damage by the non-performance of such duty, and that performance thereof has been demanded by him, and refused or neglected.

70. The pleadings and other proceedings in any action in which a writ of mandamus is claimed shall be the same in all respects, as nearly as may be, and costs shall be recoverable by either party, as in an ordinary action for the recovery of damages.

71. In case judgment shall be given to the plaintiff that a mandamus do issue, it shall be lawful for the court in which such judgment is given, if it shall see fit, besides issuing execution in the ordinary way for the costs and damages, also to issue a peremptory writ of mandamus to the defendant, commanding him forthwith to perform the duty to be enforced.

72. The writ need not recite the declaration or other proceedings, or the matter therein stated, but shall simply command the performance of the duty, and in other respects shall be in the form of an ordinary writ of execution, except that it shall be directed to the party and not to the sheriff, and may be issued in term or vacation, and returnable forthwith; and no return thereto, except that of compliance, shall be allowed, but time to return it may, upon sufficient grounds, be allowed by the court or a judge, either with or without terms.

73. The writ of mandamus so issued as aforesaid shall have the same force and effect as a peremptory writ of mandamus issued out of the Court of Queen's Bench, and in case of disobedience may be enforced by attachment.

74. The court may, upon application by the plaintiff, besides or instead of proceeding against the disobedient party by attachment, direct that the act required to be done may be done by the plaintiff, or some other person appointed by the court, at the expense of the defendant; and upon the act being done, the amount of such expense may be ascertained by the court, either by writ of inquiry or reference to a master, as the court or a judge may order; and the court may order payment of the amount of such expenses and costs, and enforce payment thereof by execution.

75. Nothing herein contained shall take away the jurisdiction of the Court of Queen's Bench to grant writs of mandamus; nor shall any writ of mandamus issued out of that court be invalid by reason of the right of the prosecutor to proceed by action for mandamus under this act.

76. Upon application by motion for any writ of mandamus in the Court of Queen's Bench, the rule may in all cases be absolute in the first instance, if the court shall think fit; and the writ may bear teste on the day of its issuing, and may be made returnable forthwith, whether in term or in vacation,

but time may be allowed to return it, by the court or a judge, either with or without terms.

77. The provisions of the Common-law Procedure Act, 1852, and of this act, so far as they are applicable, shall apply to the pleadings and proceedings upon a prerogative writ of mandamus issued by the Court of Queen's Bench.

78. The court or a judge shall have power, if they or he see fit so to do, upon the application of the plaintiff in any action for the detention of any chattel, to order that execution shall issue for the return of the chattel detained, without giving the defendant the option of retaining such chattel upon paying the value assessed, and that if the said chattel cannot be found, and unless the court or a judge should otherwise order, the sheriff shall distrain the defendant by all his lands and chattels in the said sheriff's bailiwick, till the defendant render such chattel, or, at the option of the plaintiff, that he cause to be made of the defendant's goods the assessed value of such chattel: provided that the plaintiff shall, either by the same or a separate writ of execution, be entitled to have made of the defendant's goods the damages, costs, and interest in such action.

79. In all cases of breach of contract or other injury, where the party injured is entitled to maintain and has brought an action, he may, in like case and manner as hereinbefore provided with respect to mandamus, claim a writ of injunction against the repetition or continuance of such breach of contract or other injury, or the committal of any breach of contract or injury of a like kind, arising out of the same contract, or relating to the same property or right; and he may also in the same action include a claim for damages or other redress.

80. The writ of summons in such action shall be in the same form as the writ of summons in any personal action, but on every such writ and copy thereof there shall be indorsed a notice, that in default of appearance the plaintiff may, besides proceeding to judgment and execution for damages and costs, apply for and obtain a writ of injunction.

81. The proceedings in such action shall be the same, as nearly as may be, and subject to the like control, as the proceedings in an action to obtain a mandamus under the provisions hereinbefore contained; and in such action judgment may be given that the writ of injunction do or do not issue, as justice may require; and in case of disobedience, such writ of injunction may be enforced by attachment by the court, or, when such courts shall not be sitting, by a judge.

82. It shall be lawful for the plaintiff at any time after the commencement of the action, and whether before or after judgment, to apply ex parte to the court or a judge for a writ of injunction to restrain the defendant in such action from the repetition or continuance of the wrongful act or breach of contract complained of, or the committal of any breach of contract or injury of a like kind, arising out of the same contract, or relating to the same property or right; and such writ may be granted or denied by the court or judge upon such terms, as to the duration of the writ, keeping an account, giving security, or otherwise, as to such court or judge shall seem reasonable and just; and in case of disobedience, such writ may be enforced by attachment by the court, or, when such courts shall not be sitting, by a judge: provided always, that any order for a writ of injunction made by a judge, or any writ issued by virtue thereof, may be discharged or varied or set aside by the court, on application made thereto by any party dissatisfied with such order.

83. If shall be lawful for the defendant or plaintiff in replevin in any cause in any of the superior courts in which, if judgment were obtained, he would be entitled to relief against such judgment on equitable grounds, to plead the facts which entitle him to such relief by way of defence, and the said courts are hereby empowered to receive such defence by way of plea: provided that such plea shall begin with the words, "For defence on equitable grounds," or words to the like effect.

84. Any such matter which, if it arose before or during the time for pleading, would be an answer to the action by way of plea, may, if it arise after the lapse of the period during which it could be pleaded, be set up by way of *audita querela*.

85. The plaintiff may reply, in answer to any plea of the defendant, facts which avoid such plea upon equitable grounds: provided that such replication shall begin within the words, "For replication on equitable grounds," or words to the like effect.

86. Provided always, that in case it shall appear to the court, or any judge thereof, that any such equitable plea or equitable replication cannot be dealt with by a court of law so as to do justice between the parties, it shall be lawful for such court or judge to order the same to be struck out, on such terms as to costs and otherwise as to such court or judge may seem reasonable.

87. In case of any action founded upon a bill of exchange, or other negotiable instrument, it shall be lawful for the court or a judge to order that the loss of such instrument shall not be set up, provided an indemnity is given, to the satisfaction of the court or judge, or a master, against the claims of any other person upon such negotiable instrument.

88. The superior courts, or any judge thereof, may, upon summary application, by rule or order, exercise such and the like jurisdiction as may, under the provisions of an act of Parliament made and passed in the 53 Geo. 3, [c. 159], intituled "An Act to limit the Responsibility of Shipowners in certain Cases," be exercised by any court of equity.

89. Any person who shall, upon any examination upon oath or affirmation, or in any affidavit in proceedings under this act, wilfully and corruptly give false evidence, or wilfully and corruptly swear or affirm anything which shall be false, being convicted thereof, shall be liable to the penalties of wilful and corrupt perjury.

90. Writs of execution to fix bail may be tested and returnable in vacation.

91. Proceedings against executors upon a judgment of assets in futuro may be had and taken in the manner provided by the Common-law Procedure Act, 1852, as to writs of revivor.

92. Where an action would, but for the provisions of the Common-law Procedure Act, 1852, have abated by reason of the death of either party, and in which the proceedings may be revived and continued under that act, the defendant or person against whom the action may be so continued may apply by summons to compel the plaintiff, or person entitled to proceed with the action in the room of the plaintiff, to proceed according to the provisions of the said act within such time as the judge shall order; and in default of such proceeding the defendant or other person against whom the action may be so continued as aforesaid shall be entitled to enter a suggestion of such default, and of the representative character of the person by or against whom the action may be proceeded with, as the case may be, and to have judgment for the costs of the action and suggestion against the plaintiff, or against the person entitled to proceed in his room, as the case may be, and in the latter case to be levied of the goods of the testator or intestate.

93. If any person shall bring an action of ejectment after a prior action of ejectment for the same premises has been or shall have been unsuccessfully brought by such person, or by any person through or under whom he claims, against the same defendant, or against any person through or under whom he defends, the court or a judge may, if they or he think fit, on the application of the defendant at any time after such defendant has appeared to the writ, order that the plaintiff shall give to the defendant security for the payment of the defendant's costs, and that all further proceedings in the cause shall be stayed until such security be given, whether the prior action has been or shall have been disposed of by discontinuance, or by nonsuit, or by judgment for the defendant.

94. No writ of execution issued before the 24th day of October, 1852, if unexecuted, shall remain in force for more than six calendar months after the 24th day of October, 1854, unless the same be renewed as hereinafter mentioned, but all such writs may be renewed from time to time in the same manner as writs issued after the 24th day of October, 1852, may now be renewed under the Common-law Procedure Act, 1852, sect. 124.

95. The superior courts may appoint and hold sittings either in banc, or for the trial of issues in fact by judge or jury, at any time or times, whether in term or vacation, not being between the 10th of August and the 24th October.

96. It shall be lawful for the superior courts of common law, and every judge thereof, and any judge sitting at Nisi Prius, at all times to amend all defects and errors in any proceedings under the provisions of this act, whether there is anything in writing to amend by or not, and whether the defect or

error be that of the party applying to amend or not; and all such amendments may be made with or without costs, and upon such terms as to the court or judge may seem fit; and all such amendments as may be necessary for the purpose of determining in the existing suit the real question in controversy between the parties shall be so made, if duly applied for.

97. It shall be lawful for the judges of the said courts, or any eight or more of them, of whom the chiefs of each of the said courts shall be three, from time to time to make all such general rules and orders for the effectual execution of this act, and of the intention and object hereof, and for fixing the costs to be allowed for and in respect of the matters herein contained, and the performance thereof, as in their judgment shall be necessary or proper, and for that purpose to meet from time to time as occasion may require: provided that nothing herein contained shall be construed to restrain the authority or limit the jurisdiction of the said courts or of the judges thereof to make rules or orders, or otherwise to regulate and dispose of the business therein.

98. Such new or altered writs and forms of proceedings may be issued, entered, and taken, as may by the judges of the said courts, or any eight or more of them, of whom the chiefs of each of the said courts shall be three, be deemed necessary or expedient for giving effect to the provisions hereinbefore contained, and in such forms as the judges of such courts respectively shall from time to time think fit to order; and such writs and proceedings shall be acted upon and enforced in such and the same manner as writs and proceedings of the said courts are now acted upon and enforced, or as near thereto as the circumstances of the case will admit; and any existing writ or proceeding, the form of which shall be in any manner altered in pursuance of this act, shall nevertheless be of the same force and virtue as if no alteration had been made therein, except as far as the effect thereof may be varied by this act.

99. In the construction of this act the word "court" shall be understood to mean one of the superior courts of common law at Westminster; and the word "judge" shall be understood to mean a judge or baron of any of the said courts; and the word "master" shall be understood to mean a master of any of the said courts; and the word "action" shall be understood to mean any personal action in any of the said courts.

100. All the enactments and provisions of this act not relating exclusively to the sittings for trials of causes or issues in fact at London or Westminster shall extend and apply to the Court of Common Pleas at Lancaster and the Court of Pleas at Durham, and actions and proceedings therein respectively, subject to the following modifications: all the powers given by this act to the judges of the said superior courts of common law at Westminster to make general rules and orders shall and may be exercised by the respective judges of the Court of Common Pleas at Lancaster and Court of Pleas at Durham, being judges of one of the said common-law courts, at Westminster, or any two of them respectively, with respect to the said Court of Common Pleas at Lancaster and Court of Pleas at Durham respectively, and matters and proceedings therein within the jurisdiction of the same courts respectively; and all powers under this act exercisable by any one judge of the superior courts at Westminster shall and may be exercisable by one judge of the said superior courts of the said counties palatine, being also a judge of one of the said courts at Westminster, as to matters and proceedings in the said superior courts of the said counties palatine.

101. Provided always, that all the provisions of this act applicable to masters of the said courts at Westminster shall apply to the respective prothonotaries of the Court of Common Pleas at Lancaster and Court of Pleas at Durham and their respective deputies acting in the execution of the duties of such offices, which acting officers respectively may singly exercise, with reference to matters and proceedings in the last-mentioned courts respectively, the powers hereby given to the masters of the superior courts at Westminster.

102. Provided also, as to proceedings in appeal, that the Court of Queen's Bench, being the court of error from the Court of Common Pleas at Lancaster and Court of Pleas at Durham respectively, shall also be the court of appeal from the said respective courts for the purposes of this act in reference to motions for new trials, or to enter verdicts or nonsuits previously made to the judges of the said respective Court of Common Pleas at Lancaster and Court of Pleas at Durham respectively.

103. The enactments contained in sects. 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32 of this act shall apply and extend to every court of civil judicature in England and Ireland.

104. The provisions of this act shall come into operation on the 24th October, 1854.

105. It shall be lawful for her Majesty from time to time, by an order in Council, to direct that all or any part of the provisions of this act, or of the rules to be made in pursuance thereof, shall apply to all or any court or courts of record in England and Wales, and within one month after such order shall have been made and published in the London Gazette such provisions and rules respectively shall extend and apply in manner directed by such order, and any such order may be in like manner from time to time altered and annulled; and in and by any such order her Majesty may direct by whom any powers or duties incident to the provisions applied under this act, or the Common-law Procedure Act, 1852, shall and may be exercised with respect to matters in such court or courts, and may make any orders or regulations which may be deemed requisite for carrying into operation in such court or courts the provisions so applied.

106. In citing this act in any instrument, document, or proceeding it shall be sufficient to use the expression, "The Common-law Procedure Act, 1854."

107. Nothing in this act shall extend to Ireland or Scotland, save as aforesaid.

### London Gazettes.

FRIDAY, SEPTEMBER 1.

#### BANKRUPTS.

**JOHN DODDERIDGE HUMPHREYS**, New Wharf-road, Caledonian-road, Middlesex, engineer, Sept. 14 at half-past 11, and Oct. 20 at 2, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Morris & Co., Moorgate-st.-chambers, Moorgate-street, London.—Petition filed Aug. 30.

**CHRISTOPHER ALDERSON**, Whitehall-terrace, Lower Tottenham, Middlesex, grocer, dealer and chapman, Sept. 14 at half-past 1, and Oct. 27 at half-past 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Strong, 44, Jewin-street, Cripplegate.—Petition filed Aug. 24.

**WILLIAM JOHN NORMANVILLE**, Seymour-chambers, Duke-st., Adelphi, and Queen's-road, Regent's-park, Middlesex, commission agent, dealer in patents, and manufacturer of axle boxes for railway carriages, dealer and chapman, Sept. 11 and Oct. 12 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Stevenson & Ley, 1, Victoria-street, Holborn-bridge.—Petition filed Aug. 30.

**FREDERICK LANGMAN**, Wolverhampton, Staffordshire, druggist, and oil and grease merchant, dealer and chapman, Sept. 15 and Oct. 6 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Hayes, Wolverhampton.—Petition dated Aug. 24.

**THOMAS GOODWORTH JACKSON**, Goole, Yorkshire, joiner, dealer and chapman, Sept. 19 and Oct. 13 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sol. Bulmer, Leeds.—Petition dated Aug. 22.

**JOHN DANDISON** (and *not* DAUDISON, as before advertised), Huddersfield, Yorkshire, wine and spirit merchant, dealer and chapman, Sept. 11 and Oct. 13 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. J. & W. Sykes, Huddersfield; Bond & Barwick, Leeds.—Petition dated Aug. 28.

**EDWIN MAW**, Seacombe, Cheshire, ironfounder and manufacturing engineer, Sept. 13 and Oct. 6 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Evans & Son, Liverpool.—Petition filed June 24.

**ROBERT BROOKS**, Blackburn and Blackpool, Lancashire, draper and mercer, dealer and chapman, Sept. 13 and Oct. 4 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Sale & Co., Manchester.—Petition filed Aug. 28.

#### MEETINGS.

**Alfred Burrows**, Mile-end, near Stockport, Cheshire, silk manufacturer, Sept. 13 at 12, District Court of Bankruptcy, Manchester, last ex.—**Wm. Bate**, Manchester, baker, Sept. 13 at 12, District Court of Bankruptcy, Manchester, last ex.

—**James Swallow**, Maidenhead, Berkshire, corn merchant, Sept. 25 at half-past 2, Court of Bankruptcy, London, and. ac.—**Rebecca Crichton** and **James William Crichton**, High-street, Newington-butt, Surrey, upholsterers, Sept. 25 at 1, Court of Bankruptcy, London, and. ac.—**Charles John Caffall**, Rickmansworth, Hertfordshire, auctioneer, Sept. 25 at 1, Court of Bankruptcy, London, and. ac.—**Edwin Ashley**, Manchester, smallware manufacturer, Sept. 13 at 12, District Court of Bankruptcy, Manchester, and. ac.; Sept. 22 at 12, div.—**Richard Lynch**, Manchester, shoemaker, Sept. 13 at 12, District Court of Bankruptcy, Manchester, and. ac.—**Samuel Walton**, Macclesfield, Cheshire, silk manufacturer, Sept. 13 at 12, District Court of Bankruptcy, Manchester, and. ac.; Sept. 22 at 12, div.—**George Robinson**, Huddersfield, surgeon, and **Mary Farrand**, widow, Almondsbury, Yorkshire, fancy cloth manufacturers, Sept. 11 at 11, District Court of Bankruptcy, Leeds, and. ac.—**J. Sainthill**, Tooley-street, Southwark, Surrey, millstone merchant, Sept. 26 at 11, Court of Bankruptcy, London, div.—**Thos. Sykes**, Bath Easton, Somersetshire, clothier, Sept. 26 at 11, Court of Bankruptcy, London, div.—**Frank Castelli**, Bury-court, St. Mary Axe, London, merchant, Sept. 26 at 2, Court of Bankruptcy, London, div.—**Richard Thwaites**, Addele-street, London, warehouseman, Sept. 26 at 12, Court of Bankruptcy, London, div.—**J. Yates**, Finsbury and Westmoreland Wharfs, City-road, Middlesex, timber merchant, Sept. 26 at 11, Court of Bankruptcy, London, div.—**John D. Anderson**, Pavement, Moorfields, London, linendraper, Sept. 28 at half-past 2, Court of Bankruptcy, London, div.—**William Pickering**, Piccadilly, Middlesex, bookseller, Sept. 26 at 1, Court of Bankruptcy, London, div.—**Edward R. Bensley**, Cornwall-cottage, Hornsey-road, Holloway, Middlesex, builder, Sept. 26 at 1, Court of Bankruptcy, London, div.—**Hugh Eldrid**, Witney, Oxfordshire, grocer, Sept. 25 at half-past 2, Court of Bankruptcy, London, div.—**Henry Bates** and **Charles Hitchman**, Addele-st., London, and Bristol, and Birmingham, straw plait dealers, Sept. 28 at 12, Court of Bankruptcy, London, div.—**Joseph Bland** and **John Satterthwaite**, Fen-court, London, insurance brokers, Sept. 26 at 11, Court of Bankruptcy, London, fin. div. sep. est. of **Joseph Bland**.

#### CERTIFICATES.

*To be allowed, unless cause be shown to the contrary on or before the Day of Meeting.*

**George Chaffer**, Commercial-road, Middlesex, builder, Sept. 23 at half-past 11, Court of Bankruptcy, London.—**Christopher Spasheit**, Barking, Essex, mast maker, Sept. 26 at half-past 2, Court of Bankruptcy, London.—**Rich. Thwaites**, Addele-street, London, warehouseman, Sept. 26 at 12, Court of Bankruptcy, London.—**Rebecca Crichton** and **James Wm. Crichton**, High-street, Newington-butt, Surrey, upholsterers, Sept. 25 at 1, Court of Bankruptcy, London.—**Charles John Caffall**, Rickmansworth, Hertfordshire, auctioneer, Sept. 25 at 1, Court of Bankruptcy, London.—**James Swallow**, Maidenhead, Berkshire, corn merchant, Sept. 25 at half-past 2, Court of Bankruptcy, London.—**John Swindells**, Greenfield Works, near Holywell, Flintshire, splinter manufacturer, Sept. 22 at 11, District Court of Bankruptcy, Liverpool.—**Joseph Pratt**, Manchester, bookseller, Sept. 28 at 12, District Court of Bankruptcy, Manchester.—**Henry Hartley**, Trawden, near Colne, Lancashire, cotton manufacturer, Oct. 13 at 12, District Court of Bankruptcy, Manchester.

*To be granted, unless an Appeal be duly entered.*

**Alginio Duroi**, Fenchurch-street, London, merchant.—**Alfred Ford**, Lowndes-street, Belgrave-square, Middlesex, surgeon.—**Thomas B. Bridges Stevens**, Pall-mall, Middlesex, billbroker.—**H. Clayburn**, Hulme, Manchester, builder.

#### SCOTCH SEQUESTRATIONS.

**Robt. Hutton Stevenson**, Glasgow, accountant.—**Alexander Drummond**, Glasgow, merchant.—**Thomas Tait**, Gilmerton, baker.—**Lawrie & Co.**, Whiteinch, Partick, near Glasgow, engineers.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

**John Harrison**, Burton-upon-Trent, Staffordshire, clerk to brewers, Sept. 12 at 10, County Court of Leicestershire, at Ashby-de-la-Zouch.—**John Tugby**, Griffydham, Worthington, Leicestershire, shopkeeper, Sept. 12 at 10, County Court

of Leicestershire, at Ashby-de-la-Zouch.—*Wm. J. Harper*, Shimpling, Suffolk, farmer, Sept. 19 at 12, County Court of Suffolk, at Sudbury.—*John Lewis*, West Bromwich, Staffordshire, pattern maker, Sept. 30 at 9, County Court of Staffordshire, at Oldbury.—*Henry Challicombe*, Swansea, Glamorganshire, sailmaker, Sept. 19 at 10, County Court of Glamorganshire, at Swansea.—*John Jones*, Britton Ferry, Glamorganshire, beer-house keeper, Sept. 16 at 10, County Court of Glamorganshire, at Neath.—*John Thompson*, Redworth, Durham, grocer, Sept. 20 at 10, County Court of Durham, at Darlington.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Sept. 20 at 10, before the CHIEF COMMISSIONER.*

*John Scriven*, Oxford, butcher.—*Chas. John Penney*, Roberts-place, Commercial-road East, Middlesex, manufacturer of varnish.—*Geo. Robert Ramsey*, Richmond, Surrey, coach-maker.

*Sept. 20 at 11, before Mr. Commissioner PHILLIPS.*

*Stephen Fleming*, Storey-st. Caledonian-road, Middlesex, carman.—*Thomas Pedrick*, St. George's-terrace, Kilburn, Middlesex, coffee-house keeper.—*Robt. James Pearson*, St. John-square, Clerkenwell, Middlesex, tassel manufacturer.

*Sept. 20 at 10, before Mr. Commissioner MURPHY.*

*James Hewitt Whyman*, Mansfield-street, Kingland-road, Middlesex, out of business.—*Henry Edward Young*, Brentwood, Essex, licensed victualler.—*Jas. T. Eades*, Lewisham, Kent, grocer.

*Sept. 21 at 10, before the CHIEF COMMISSIONER.*

*Edward Callow*, North-end, Lewisham, Kent, stockbroker.—*Rich. Henry Stead*, Upper Seymour-street, Euston-square, Middlesex, commission agent.

*Sept. 21 at 11, before Mr. Commissioner PHILLIPS.*

*George Street*, Shepperton-cottages, Islington, Middlesex, accountant.—*George Ashley*, Robinson's-place, Tibbitt Grove-lane, Brompton, Middlesex, out of business.—*Edward Langford*, Grafton-mews, Grafton-street, Fitzroy-square, Middlesex, livery-stable keeper.

*Sept. 21 at 10, before Mr. Commissioner MURPHY.*

*Benjamin Burfield*, Borough-road, Southwark, Surrey, out of business.—*Henry Smith*, Barrington-cottages, Cold Harbour-lane, Brixton, Surrey, not in any business.—*J. Davis*, Fleming House, Old Brompton, Middlesex, in no employment.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Pembrokeshire, at HAVERFORDWEST, Sept. 12 at 10.*

*James Evans*, Llanrithan, in no business.

*At the County Court of Somersetshire, at TAUNTON, Sept. 13.*

*Herbert Early*, Weston-super-Mare, tailor.—*Edwin Hayward*, Bath, out of business.

*At the County Court of Gloucestershire, at GLOUCESTER, Sept. 14 at 10.*

*Alexander Peter Bungblut*, Cheltenham, piano tuner.

*At the County Court of Lancashire, at LANCASTER, Sept. 15 at 11.*

*George Westwood*, Dublin, cab proprietor.—*W. W. Schofield*, Withnell, near Chorley, quarryman.—*Joseph Rathenau*, Manchester, waterproof-coat maker.—*Samuel Thorniley*, Manchester, packer.—*Peter German*, Halsehard Moor, near Bolton-le-Moors, provision dealer.—*Wm. Bradley*, Hurst-green, near Clitheroe, provision-shop keeper.—*E. Towell*, Torquay, Devonshire, innkeeper.—*George Cooper*, Manchester, commission agent.—*John Dales*, Manchester, out of business.—*Wm. Squires*, Padilham, joiner.—*John Austin*, Blackburn, woollen flock dealer.—*John Bennett*, Birkenhead, near Liverpool, out of business.—*Thomas E. Fraser*, Liverpool, grocer.—*Johnson Clarke*, Warrington, file cutter.—*Thos. D. Milner*, Blackburn, out of business.—*Robert Redman*, Liverpool, out of business.—*James Lyon*, Hulme, Manchester, out of business.—*Thomas Green*, Liverpool, baker.—*J. Higson*, Wigan, retail dealer in ale.—*John T. Smith*, Salford, mer-

chant's clerk.—*Joseph Falkner*, Manchester, provision dealer.—*John Ford*, Liverpool, out of business.—*John Crook*, Bolton-le-Moors, accountant.—*John Lord*, Ashton-under-Lyne, grocer.—*Israel Riley*, Over Darwen, out of business.—*Edmund Taylor*, Rochdale, cotton waste spinner.—*Isaac Williamson*, Preston, stonemason.

*At the County Court of Lincolnshire, at LINCOLN, Sept. 19 at 12.*

*William Pate*, Spalding, out of employment.

*At the County Court of Hampshire, at SOUTHAMPTON, Sept. 19 at 10.*

*Henry M. Knaresborough*, Southampton, coal merchant.

*At the County Court of Suffolk, at IPSWICH, Sept. 22.*

*James Ward*, Ipswich, carpenter.

*At the County Court of Monmouthshire, at MONMOUTH, Sept. 22.*

*Thomas Roberts*, Tredegar, tailor.

## TUESDAY, SEPTEMBER 5.

### BANKRUPTS.

**WILLIAM PHILLIPS**, Minorities, Middlesex, brush maker, dealer and chapman, Sept. 14 at 2, and Oct. 27 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Ellis, 30, Jewry-street, Aldgate.—Petition filed July 28.

**JOHN ABRAHAM RIPPON**, Bishopsgate-street Within, London, and now of Louth-cottages, Wellington-road, Camberwell, Surrey, cigar manufacturer, tobacconist, dealer and chapman, Sept. 14 at half-past 1, and Oct. 27 at 2, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Mardon & Prichard, 99, Newgate-street, London.—Petition filed Sept. 2.

**JAMES WHITTERING**, Finedon, near Wellingborough, Northamptonshire, builder and publican, dealer and chapman, Sept. 14 at 11, and Oct. 27 at 1, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Cook, Wellingborough; Roscoe, 14, King-street, Finsbury-square.—Petition filed Sept. 1.

**FRANCIS BURROW**, Redruth, Cornwall, tailor and draper, Sept. 13 at half-past 1, and Oct. 11 at half-past 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Hamer & Moger, 17, Paternoster-row, London.—Petition filed Aug. 21.

**THOMAS GROGAN**, late of Hutchinson-street, Houndsditch, London, but now of Queen-street, Stepney, Middlesex, licensed victualler, dealer and chapman, Sept. 13 at 12, and Oct. 12 at 2, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Stevenson & Ley, 1, Victoria-street, Holborn-bridge.—Petition filed Sept. 2.

**JOHN HAYDON**, Barnstaple, Devonshire, draper, dealer and chapman, Sept. 13 and Oct. 11 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Hett & Bowman, 14, Gresham-street, London.—Petition filed Aug. 23.

**GEORGE JOHN JENVEY**, Barnstaple, Devonshire, bookseller and stationer, dealer and chapman, Sept. 14 and Oct. 12 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Stogdon, Exeter; Freeman & Bothamley, Coleman-street, London.—Petition filed Aug. 21.

**THOMAS LICKLEY**, Thirsk, Yorkshire, corn and seed merchant, Sept. 18 and Oct. 16 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sol. Brignal, Durham; Hartley, 6, Southampton-street, Bloomsbury, London.—Petition dated Sept. 1.

**JAMES STARK SKIPPER**, Liverpool, corn merchant, Sept. 19 and Oct. 9 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Casenove; Sol. Lowndes & Co., Liverpool.—Petition filed Sept. 1.

**JOHN WILCOX**, Manchester, coal merchant, dealer and chapman, Sept. 20 and Oct. 11 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sol. Binney, Manchester.—Petition filed Aug. 30.

**JOHN FITTES and ROBERT FITTES**, Newcastle-upon-Tyne, Northumberland, and Gateshead, Durham, tea dealers and grocers, dealers and chapmen, Sept. 13 and Oct. 20 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sol. Hodge & Harle, Newcastle-upon-Tyne; Howard & Dollman, 141, Fenchurch-street, London.—Petition filed Aug. 30.

## MEETINGS.

*George E. Shuttleworth, Mark H. Shuttleworth, and George E. Shuttleworth the younger, Poultry, London, auctioneers, Sept. 20 at 12, Court of Bankruptcy, London, last ex. and aud. ac.—Richard Thwaites, Addele-street, London, warehouseman, Sept. 19 at 11, Court of Bankruptcy, London, aud. ac.—Christopher Spaskeit, Barking, Essex, mast maker, Sept. 26 at half-past 2, Court of Bankruptcy, London, aud. ac.—Hugh Lapraik, Harrison-street, Gray's-inn-road, Middlesex, draper, Sept. 19 at 11, Court of Bankruptcy, London, aud. ac.—George S. Green, Aylesbury-street, Clerkenwell, Middlesex; Mount-street, Lambeth, Surrey; Warwick-street, Fimlico, Middlesex; Minories, London; and Elm-cottages, Hornsey, Middlesex, grocer, Sept. 26 at 2, Court of Bankruptcy, London, aud. ac.—John Robert Hobson and Stephen Froud, Alfred-road, Harrow-road, Middlesex, builders, Sept. 25 at 12, Court of Bankruptcy, London, aud. ac.—W. Hearn, Stangate Wharf, Lambeth, Surrey, carrier and dust contractor, and Rainham, Essex, brickmaker, Sept. 19 at 11, Court of Bankruptcy, London, aud. ac.—John Smith and Luke Ashby, Great Coram-street, Brunswick-sq., Middlesex, linen-drappers, Sept. 25 at 11, Court of Bankruptcy, London, aud. ac.—J. Hall, Barton-upon-Humber, Lincolnshire, builder, Sept. 20 at 12, District Court of Bankruptcy, Kingston-upon-Hull, aud. ac.—Wm. Wright, Thetford, Norfolk, butcher, Sept. 26 at 11, Court of Bankruptcy, London, div.—John A. Homes, High-street, Southwark, and Portland-cottages, Hatcham, Surrey, woollendrapers, Sept. 26 at 12, Court of Bankruptcy, London, div.—Francis Pason, Bloomsbury-square, Middlesex, scrivener, Sept. 28 at 12, Court of Bankruptcy, London, div.—Robert Burr, Gosport, Southampton, shoemaker, Sept. 28 at 2, Court of Bankruptcy, London, div.—James Crofts, Threadneedle-street, London, mine share broker, Sept. 28 at half-past 1, Court of Bankruptcy, London, div.—John Chas. Broad, Shoreditch, Middlesex, colourman, Sept. 28 at 2, Court of Bankruptcy, London, div.*

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Chas. Foot, Ingram-court, Fenchurch-street, London, wine merchant, Sept. 28 at half-past 11, Court of Bankruptcy, London.—Wm. Bullock, Warwick, ironmonger, Sept. 28 at 10, District Court of Bankruptcy, Birmingham.*

*To be granted, unless an Appeal be duly entered.*

*Benjamin West, Fleet-street, London, and St. James's-walk, Clerkenwell, Middlesex, bookseller.—C. T. Laycock, Brighton, perfumer.—Thomas S. Bealey, Tiverton, Devonshire, grocer.—Richard Beckett, Liverpool, carrier.—Hugh Barclay, Liverpool, commission agent.*

## SCOTCH SEQUESTRATIONS.

*Tyre & Campbell, Glasgow, wool merchants.—W. Stewart, Dumbreck, Kirkintilloch, Dumbartonshire, farmer.—William Gray, Glasgow, commission merchant.—Drysdale & Wallace, Alva, Stirlingshire, manufacturers.—W. Dick, Glasgow, commission merchant.*

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*W. Parker, Ryde, Isle of Wight, Southampton, coach driver, Sept. 15 at 10, County Court of Hampshire, at Newport.—Emma F. Young, widow, Ryde, Isle of Wight, Southampton, Sept. 15 at 10, County Court of Hampshire, at Newport.—J. Cox, Newport, Isle of Wight, Southampton, retailer of beer, Sept. 15 at 10, County Court of Hampshire, at Newport.—John Dove, Newport, Isle of Wight, Southampton, butcher, Sept. 15 at 10, County Court of Hampshire, at Newport.—George D. Pitt, Shoreham, Sussex, gardener, Sept. 9 at 10, County Court of Sussex, at Brighton.—Thomas Leith, Brighton, Sussex, out of business, Sept. 9 at 10, County Court of Sussex, at Brighton.—W. Chert, Brighton, Sussex, butcher, Sept. 9 at 10, County Court of Sussex, at Brighton.—Thomas Walton, Cottingham, Northamptonshire, farmer, Sept. 21 at 11, County Court of Northamptonshire, at Kettering.—Wm. Mobbs, Kettering, Northamptonshire, stationer, Sept. 21 at 11, County Court of Northamptonshire, at Kettering.—Thos. Rossier, Dulverton, Somersetshire, innkeeper, Sept. 14 at 11, County Court of Devonshire, at Tiverton.—C. Crowden, Cardiff, Glamorganshire, beer-house keeper, Sept. 22 at 11,*

*County Court of Glamorganshire, at Cardiff.—James Baster, Macclesfield, Cheshire, out of business, Sept. 21 at 11, County Court of Cheshire, at Macclesfield.—Wm. Cook, Great Missenden, Buckinghamshire, saddler, Sept. 11 at 11, County Court of Buckinghamshire, at Chesham.—George Mackay, Great Berkhamstead, Hertfordshire, superintendent of rural police for Hertfordshire, Sept. 11 at 11, County Court of Buckinghamshire, at Chesham.*

*Saturday, Sept. 2.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Frederick Sherman, West-square, Southwark, Surrey: in the Queen's Prison.—James D. Hargood, Richmond-road, Putney, Surrey, market gardener: in the Queen's Prison.—James T. Cartwright, Apollo-buildings, East-street, Walworth, Surrey, timber merchant: in the Gaol of Surrey.—F. Derrick, High-street, Fulham, Middlesex, baker: in the Debtors Prison for London and Middlesex.—Henry E. B. Giles, Assembly-row, Mile-end-road, Middlesex, attorney-at-law: in the Debtors Prison for London and Middlesex.—Mary Bevan, Princes-square, St. George's-in-the-East, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—William Henry Guerrier, Ivy-lane, Newgate-street, London, out of business: in the Debtors Prison for London and Middlesex.—John Zealey, Dover-place, New Kent-road, Surrey, carpenter: in the Gaol of Surrey.—J. Bacon, Manor-street, Clapham, Surrey, cowkeeper: in the Gaol of Surrey.—Joseph White, Clare-street, Clare-market, Middlesex, tobacconist: in the Debtors Prison for London and Middlesex.—George Whitten, New-street, Upper Kennington, Surrey, out of business: in the Gaol of Surrey.—R. Huggard, Ploydell-court, Fleet-street, London, coffee-shop keeper: in the Queen's Prison.—Ambrose Croshaw, Pelham-place, Brompton, Middlesex, builder: in the Queen's Prison.—J. Laidler, Brett's-buildings, Camberwell-road, Surrey, out of business: in the Gaol of Surrey.—Alfred Bower, Queen's-row, Walworth, Surrey, out of business: in the Gaol of Surrey.—Henry Marshall, Wenlock-st., City-road, Middlesex, commission agent: in the Debtors Prison for London and Middlesex.—Isaac Williamson, Leyland, Lancashire, stonemason: in the Gaol of Lancaster.—Wm. Smith, Fullage Meadow, Burnley, Lancashire, stonemason: in the Gaol of Lancaster.—Henry Robson, Blackburn, Lancashire, coachbuilder: in the Gaol of Lancaster.—James Strong, Exeter, Devonshire, out of business: in the Gaol of Exeter.—Thomas Venables, Upper Brynllowarch, Kerry, Montgomeryshire, farmer: in the Gaol of Montgomery.—Henry Wm. Grundy, Dover, Kent, out of business: in the Gaol of Dover.—Henry M. Knaresborough, Southampton, coal merchant: in the Gaol of Southampton.—Johnson Clarke, Warrington, Lancashire, file cutter: in the Gaol of Lancaster.—John Taylor Smith, Lower Broughton, Salford, Lancashire, merchant's clerk: in the Gaol of Lancaster.—J. Higson, Hindley, near Wigan, Lancashire, retail dealer in ale: in the Gaol of Lancaster.—John Dales, Manchester, out of business: in the Gaol of Lancaster.—George Cooper, Hulme, Manchester, commission agent: in the Gaol of Lancaster.—Robert Greenhalgh, Rochdale, Lancashire, tailor: in the Gaol of Lancaster.—Wm. Gandy, Brighton, Sussex, flyman: in the Gaol of Lancaster.—James Healey, Liverpool, labourer in a coal-yard: in the Gaol of Lancaster.—William Bayley, Salford, Lancashire, beerseller: in the Gaol of Lancaster.—Joseph Sawyer, Bradford, Yorkshire, wool comber: in the Gaol of Lancaster.—J. Bennett, Birkenhead, near Liverpool, out of business: in the Gaol of Lancaster.—George Dyson the elder, Lindley, near Huddersfield, Yorkshire, weaver: in the Gaol of York.—Michael Thring Slater, Henley, Oxfordshire, out of business: in the Gaol of Oxford.—E. Greenwood, Tallington, Lincolnshire, in no business: in the Gaol of Lincoln.—James Lyon, Hulme, Manchester, out of business: in the Gaol of Lancaster.—J. Wilson, Kirkdale, near Liverpool, grocer: in the Gaol of Lancaster.—John Down, Maidstone, Kent, brick merchant: in the Gaol of Maidstone.—H. Denby Coggan, Dover, Kent, out of business: in the Gaol of Dover.—Thomas Hobbs, Leamington Priors, Warwickshire, in no business: in the Gaol of Warwick.—Abraham Taylor Loder, Bishopwearmouth, Durham, teacher of music: in the Gaol of Durham.—Edmund Sandell, Bristol, straw-bonnet maker: in the Gaol of Bristol.—George Frederick Green the elder, Dover, Kent, out of business: in the Gaol of Dover.—*

*Edward Hall*, Dover, Kent, traveller to an army equipage maker: in the Gaol of Dover.—*Wm. Milner*, York, out of business: in the Gaol of York.—*J. Oddey*, Keighley, Yorkshire, licensed hawker: in the Gaol of York.—*Joseph Carter Sharpe*, Southampton, merchant's clerk: in the Gaol of Southampton.—*Joseph Waddington*, Knottingley, near Pontefract, Yorkshire, shoemaker: in the Gaol of York.—*Henry Smith*, Thornton-road, near Bradford, Yorkshire, moulder: in the Gaol of York.—*Wm. Bracewell*, Bradford, Yorkshire, grocer: in the Gaol of York.—*Joseph Boocock*, Huddersfield, Yorkshire, out of business: in the Gaol of York.—*Cotton Acutt*, Wolverhampton, Staffordshire, assistant to an ale brewer: in the Gaol of Stafford.—*Thomas Chandler*, Clifton, Bristol, milkman: in the Gaol of Bristol.—*D. Smith*, Bradford, Yorkshire, moulder: in the Gaol of York.—*Jas. Haley*, Thornton-road, near Bradford, Yorkshire, moulder: in the Gaol of York.—*Charles Rayner*, Leeds, Yorkshire, grocer: in the Gaol of York.—*James Johnson*, Sheffield, Yorkshire, victualler: in the Gaol of York.—*T. Leathley*, Morley, near Leeds, Yorkshire, cloth manufacturer: in the Gaol of York.—*Joe Cliffe*, York, out of business: in the Gaol of York.—*George Barr*, North Frodingham, near Driffield, Yorkshire, schoolmaster: in the Gaol of York.—*Joseph Harrison*, Bradford, Yorkshire, retailer of beer: in the Gaol of York.—*Wm. Howes*, Norwich, assistant to a grocer: in the Gaol of Norwich.—*A. Wise*, Swanwick, near Titchfield, Southampton, labourer: in the Gaol of Winchester.—*John Harwood*, Blackburn, Lancashire, woollendrapier: in the Gaol of Lancaster.—*Geo. Gillatt*, Barnsley, Yorkshire, confectioner: in the Gaol of York.—*Thos. Burgess*, West Bromwich, Staffordshire, puddler of iron: in the Gaol of Stafford.—*James Orton*, Marssett, near Hawes, Yorkshire, hnsbandman: in the Gaol of York.—*John Gartick*, Meltham, near Huddersfield, Yorkshire, butcher: in the Gaol of York.—*W. Gilder*, Bradford, Yorkshire, tea dealer: in the Gaol of York.—*Charles Skute*, Dover, Kent, out of business: in the Gaol of Dover.—*B. Bengé*, Rye, Sussex, bricklayer: in the Gaol of Dover.—*L. Williamson*, Dover, Kent, commercial traveller: in the Gaol of Dover.—*John Taylor*, Whitley Lower, near Dewsbury, Yorkshire, out of business: in the Gaol of York.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Hampshire, at SOUTHAMPTON, Sept. 19.*

*Joseph Carter Sharpe*, Southampton, merchant's clerk.

*At the County Court of Devonshire, at EXETER, Sept. 19 at 10.*

*William Henry English Burnard*, Bideford, attorney-at-law.

*At the County Court of Staffordshire, at STAFFORD, Sept. 20 at 11.*

*Cotton Acutt*, Wolverhampton, commission agent.—*John Shaw*, Stoke-upon-Trent, retail brewer.

*At the County Court of Kent, at DOVER, Sept. 20 at 11.*

*George F. Green* the elder, Dover, out of business.—*Edw. Hall*, Dover, traveller.—*Henry Wm. Grundy*, Dover, out of business.—*Hesekiah Denby Coggan*, Clapham-park-terrace, Clapham, Surrey, hot presser.—*Benj. Bengé*, Rye, bricklayer.—*Luke Williamson*, Dover, farmer.—*Charles Skute*, Dover, saddler.

*At the County Court of Suffolk, at IPSWICH, Sept. 22.*

*Charles Kemp*, Crowfield, near Debenham, bricklayer.

*At the County Court of Warwickshire, at WARWICK, Sept. 25 at 10.*

*George Reeves* the younger, Leamington Priors, out of business.—*Thomas Hobbs*, Leamington Priors, out of business.

*At the County Court of Warwickshire, at COVENTRY, Sept. 27 at 12.*

*Henry Crane*, Birmingham, out of business.—*John Harby Shillecock*, Coventry, out of business.—*Henry Hart*, Birmingham, gun maker.—*John Woodman*, Birmingham, wire worker.—*Thos. Pemberton Stubbs*, Birmingham, hat maker.—*David King*, Birmingham, sub-contractor.

#### MEETINGS.

*T. Everton*, Droitwich, Worcestershire, labourer, Sept. 21 at 12, at Meredith's, Sidbury, Worcestershire, sp. aff.

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# The Jurist

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LONDON, SEPTEMBER 16, 1854.

WE propose in this paper to offer some observations on the already celebrated Beer Act, 17 & 18 Vict. c. 79—an act of an importance not to be measured by the loftiness of its subjects and incidents, but rather by the nature of its objects, or professed objects—an act also which has perhaps carried further than any act of Parliament yet has, in a given space, that principle of looseness and ambiguity of expression which is the dominant feature of legislative literature. Whom the act means to exclude from participating in Sunday libations, in the hours made by it uncanonical, it has already puzzled magistrates, and good magistrates too, to divine. Several magistrates have held that a person migrating, for purposes of personal recreation, from London to Hampstead, or, of course, by parity of reasoning, any other suburban village, is a bonâ fide traveller within the meaning of the act. Another very able magistrate appeared startled by this doctrine, and, without actually overruling it, distinguished between such an amateur traveller and a professional traveller driving or conducting an omnibus between a suburban village and London, and held the latter species of traveller to be, at any rate, not within the act. We confess that we should rather have decided both cases in a different manner. That a gentleman who saunters up from Bedford-square to Hampstead for a morning's stroll should be called a traveller would certainly astonish Park, Burckhardt, or Layard, or even our own accomplished Eothen; on the other hand, what a man

is, who rides a hundred miles a day on the step of an omnibus, professedly to guide and direct a machine for conveying other people on their affairs, unless he is a traveller, is puzzling to make out. In the meantime, however, the proprietors of the country taverns in the regions round about London, and the excursionists, have tolerably settled the matter practically, by acting in concert, and in such masses, that it defies the ubiquitous vigilance of the police to collect the necessary evidence for laying the matter fully before the magistracy. The publicans and the sinners have combined, and there is no making head against them.

Ourselves being somewhat addicted to Sabbatarian pedestrianism—being, like other mere mortals, capable of hunger and thirst, and that not always necessarily at one invariable hour, and not deeming it either agreeable or altogether decent on all occasions to carry ostentatiously exposed supplies of food and wine, we have too much sympathy with the amateur bonâ fide traveller to form, perhaps, an unbiassed opinion whether the Legislature meant, by that term, any person walking or riding for his pure pleasure and recreation from London to Richmond, or from Richmond to Kew, or the like. Certainly, if clothing himself with the dust of the north road for four miles, clothes a man also with the character of a traveller, it is difficult to say that he is not equally a traveller who, embarking on a steam-boat at London-bridge, debouches on the quay at Richmond. At the same time, although in old plays and novels one does meet the expression of “travelling” and “traveller” applied to journeys of such distances, he recollects at the same time, that, in the days therein described, a journey of pleasure purely, on any London road, was not. An invitation to dine at Richmond or Hounslow, if such a thing existed, involved peril of life or limb, or at least of purse, and required a brace of pistols and a long sword. But it certainly would at this day startle any gentleman receiving, at his villa at Richmond or Wimbledon, the visit of a London friend, to be told that he had travelled from London.

If the Legislature had taken the greatest pains to



search for the word in the language the least capable of bearing an accurate meaning, they could hardly have been more successful than in selecting the word "traveller." Clearly, the mere fact of travelling a short distance at a time cannot exclude the application of the word "traveller;" clearly also it is not necessary to travel for business to be a traveller, for no one would dispute that a man who roams about Syria or Egypt is a traveller; clearly, on the other hand also, a man who goes habitually within a given circle, small or large, round any trading town, to obtain orders for a tradesman, is a traveller, whether he does it with a pack on his back, or in a large phaeton with a large horse, or in the comfortable arm-chairs of first-class railway carriages. So that it is not travelling for business, nor is it necessarily travelling a great distance, nor is it the mode of travelling, that constitutes a traveller; and yet, if a gentleman, or any one else, walks a short distance, for his amusement, in the neighbourhood of this great city, or rows his outrigger from Searle's to Richmond, it clashes with all one's notions of the use of language, to call him a "bonâ fide traveller."

What the broad meaning, the policy of the Legislature, was in passing the Beer Act, is equally difficult to ascertain. It cannot have meant to exclude Sunday trading in the forbidden hours, because it permits it sub modo, and with an exception so vague as to have already rendered the act nearly a dead letter. And, moreover, it will be observed, that the act only excludes the keeping open for the sale of *drinks*; eatables are not mentioned in the act; and we apprehend it to be clear, that anybody taking his own wine or other drinkables with him might lawfully be entertained with any amount of dinner, of any degree of sumptuousness, between the hours of half-past two and six. The act cannot have been addressed simply to the prevention of *tippling* and drunkenness, because bonâ fide travellers, once in the sanctum, may be permitted to tinkle to their heart's content without any infringement of the act.

Then, again, it ought not to be supposed, looking at the language of the act, that it meant to exclude from participation in the uses of a tavern those only who live in the immediate neighbourhood, letting in, as it does let in, all those who come from any, even an almost illusory, distance; for the result of that would be neither to prevent trading nor drinking, but simply to make every man desirous of drinking go a little distance for it, instead of walking across the street; and one ought not to suppose the Legislature so very clumsy. Nevertheless, this, we apprehend, was the intention of the Legislature, viz. to prevent simply the congregation of habitual drinkers in each tavern, and not to interfere with the moderate and legitimate use of a tavern by persons requiring its use for rational refreshment. That it has failed in doing anything beyond puzzling a few magistrates for a short time, and eliciting a few speeches from a few tavern-masters, is clear. But it may be questioned whether this is a subject on which any amount of legislative wisdom could draw an act practically advantageous to the whole public, as the circumstances of different towns and of different classes of society are so varied, that a regulation perfectly whole-

some for one may be tyrannical towards another, and useless towards a third. The real evils to be removed are, Sunday trading not absolutely necessary, and drunkenness and riot. Long custom has established the total unnecessary of tavern trading during the hours of divine service; but out of those hours, there are very few data for determining the question when and where it is unavoidable, and that difficulty would be much better dealt with if left to the good feeling and religious sentiments of the community at large, than it can be by specific rules laid down by a body of gentlemen necessarily ignorant of the details of the plebeian life, for which they are legislating. The real, practical, and crying evil of drunkenness and riot would be much better provided for by the total abolition of the system of public-house licenses, throwing open altogether that trade, and making it as lawful for any one who chooses to trade as a publican to do so, as it is for him to be a tailor or a baker; coupling, however, with such perfect freedom of trade, a liability in publicans to be personally responsible for the good behaviour of their guests, and making them subject to fines, and pretty heavy fines, for permitting any drunkenness or riot in their houses. If this were made the *principle* of legislation for houses of public entertainment, it might safely be left to the prudence of their owners to keep them open at all the hours on the Sunday, on which the present act has vainly attempted to put its veto.

#### ENGLISH COPYRIGHT IN FOREIGN COMPOSITIONS.

(From a Correspondent).

(Continued from p. 313).

*Delondre v. Shaw* (2 Sim. 237) has no bearing on this question. In that case an application to restrain the piracy of a label constituting a trade-mark was refused because the bill did not charge a fraudulent use of the mark to promote the sale of a spurious article. The Vice-Chancellor added, that the case could not be rested on copyright, because the Court does not protect the copyright of a foreigner. That was said with reference to a label which not only was first printed and published in France, but was not a literary composition at all, and, as an engraving, was, by the express terms of the stat. 17 Geo. 3, c. 57, unprotected, because engraved out of Great Britain. That was the single point decided in *Pags v. Townsend*, (5 Sim. 395).

*Guichard v. Mori* (9 L. J., O. S., Ch., 227) was a mere repetition of *Clementi v. Walker*.

In *D'Almaine v. Boosey*, (1 Y. & C. 288), Lord Abinger, C. B., sitting in equity, decided that the English assignee of a foreign work, first publishing here, was entitled to copyright, though the assignment was executed abroad, and the author never came to this country.

In *Bentley v. Forster* (10 Sim. 329) the assignee of a foreign author domiciled in England was held entitled to protection for a work which had been composed, as it seems, abroad. The Vice-Chancellor continued the injunction, and said that, in his opinion, a work first published here was protected, although composed abroad by an alien. He directed an action to be brought, according to the usual practice, but the defendant submitted.

In *Chappell v. Purday* (4 Y. & C. 485) the question was the same as in *Clementi v. Walker*, and Lord Abinger, C. B., treating it as doubtful, refused to interfere by injunction, but he reiterated his opinion on the general principle.

In the second case of *Chappell v. Purday* (14 M. & W. 303) the point actually decided was the same as in *Clementi v. Walker*. The Court said, that clearly a

foreigner, first publishing abroad, could neither have nor confer a copyright here at common law or by the statute; and though admitting that the authorities pointed to a different conclusion, they added that they thought it doubtful whether a foreigner, *not resident here*, could have an English copyright at all. This doubt was the germ of the decision by the same Court in *Boosey v. Purday*.

In *Cocks v. Purday* (5 C. B. 860) the case came within the present Copyright Act, and after full argument it was decided that there was copyright in the work of an alien residing abroad, published here, contemporaneously with the publication abroad, by an English publisher, claiming under a verbal assignment from the author, which was valid according to the law of the place where it was made. The decision was expressly founded on the general principle, that an alien may acquire personal rights and maintain personal actions in respect of injuries to them in this country.

In *Boosey v. Davidson* (13 Jur., part 1, p. 678; 13 Q. B. 257) the case differed from that of *Cocks v. Purday* in not coming within the stat. 5 & 6 Vict. c. 45. Bellini, being an alien, resident in the Austrian dominions, had assigned the copyright of his unpublished opera, "La Sonnambula," to Ricordi, an alien, also resident abroad. Ricordi, coming to London, assigned the copyright to Boosey, who published the work in London on the same day on which it was first published at Milan, but a few hours later—a circumstance which in *Boosey v. Purday*, mentioned below, the Court of Exchequer (overruling the decision of Pollock, C. B., at Nisi Prius, commented upon 12 Jur., part 2, p. 323) held to be immaterial. The publication was in 1831, so that the case was governed by the old Copyright Acts. It was fully argued, and the Court of Queen's Bench decided in favour of the copyright.

In *Boosey v. Purday* (13 Jur., part 1, p. 918; 4 Exch. 145) the work in question was Bellini's "Sonnambula," and the Court of Exchequer held that Boosey had no copyright.

In *Ollendorf v. Black* (14 Jur., part 1, p. 1080) an alien author domiciled abroad, but occasionally residing in England, first published his work in London in 1843, while residing there. On a motion for an injunction, it was urged that the author's temporary residence here distinguished the case from *Boosey v. Purday*, and the distinction was noticed by the judge, (Sir J. L. Knight Bruce, V. C.), who, however, expressed a strong opinion in favour of the doctrine in *Cocks v. Purday*. His Honor said, "Can any conclusion be imagined more injurious to literature than the decision in *Boosey v. Purday*? Surely literature is of no country, and the object of the act of Parliament was to protect literature generally."

The litigation commenced in *Boosey v. Purday* was continued (substantially between the same parties, for the persons chiefly interested in defeating the foreign copyright subscribed to the expenses of the defence) in *Boosey v. Jefferys*, (15 Jur., part 1, p. 540; 6 Exch. 580). There also the title to the music in "La Sonnambula" was in question; and Rolfe, B., having held at Nisi Prius against the copyright, his decision was unanimously reversed by the Court of Exchequer Chamber, (consisting of Lord Campbell, C. J., Patteson, Maule, Wightman, Cresswell, Erle, and Williams, JJ.)

Pending the appeal in *Boosey v. Jefferys*, the case of *Buxton v. James* (16 Jur., part 1, p. 15; 5 De G. & S. 80) was decided upon the effect of the stat. 5 & 6 Vict. c. 45. The work in question was Mendelssohn's music to "The Midsummer Night's Dream," sold by the composer, an alien residing abroad, to the plaintiff, a publisher residing in London, and first published in London in 1844. Sir J. Parker, V. C., granted an in-

junction, observing that he never had any doubt on the subject.

Up to this point it appears that the authorities, with the single exception of *Boosey v. Purday*, are consistent with each other and with principle, and that the right of a foreigner residing abroad at the time of publication has been affirmed in four cases, two of them under the repealed statutes, and by the Court of Exchequer Chamber in *Boosey v. Jefferys*.

We now come to the ultimate decision in *Boosey v. Jefferys*. The opinions of Coleridge, Maule, Wightman, Erle, Williams, and Crompton, JJ., were in favour of the copyright. To this list we must add Lord Campbell, C. J., Patteson and Cresswell, JJ., who had joined in the decision in the Exchequer Chamber, and Wilde, C. J., and Coltman, J., who joined in deciding *Cocks v. Purday*, and Lord Abinger, Sir J. L. Knight Bruce, and Sir James Parker. The minority against the copyright consisted of Jervis, C. J., Pollock, C. B., Parke and Alderson, BB. The Peers who advised the reversal of the decision below were the Lord Chancellor, Lord Brougham, and Lord St. Leonards.

The Lord Chancellor distinguished between the right of the author of an unpublished work to prevent its publication, and the copyright which may subsist after publication. The latter, he said, is now entirely regulated by statute, and in determining its limits, we must look exclusively to the statutes on which it depends, which in the present case were the 8 Ann. c. 19, and the 54 Geo. 3, c. 156. The term "author" in the statute of Anne must refer to British authors only. *Prima facie* the Legislature of this country must be taken to make laws for its own subjects exclusively; and when an exclusive privilege is given to a particular class at the expense of the rest of the subjects, the object must be taken to have been national, and the privileged class to be confined to a portion of the community for the general advantage of which the enactment is made, including as subjects all persons within the Queen's dominions, though owing her only a temporary allegiance. A stranger having composed a work abroad, and coming here and publishing the first week or day of his arrival, would be within the act. Copyright commences at the moment of publication; and if the author is at that time in England, he is an English author. He is not an English author, if, being abroad and a foreigner, he publishes by an agent here. This construction agrees with the admitted condition, that the first publication must be here. There is no reason in that exception if the statute extends to foreigners at all. [Why not? It makes the place of first publication the test, not the status of the author. An English author residing here, and first publishing abroad, loses his copyright. Nothing can shew more clearly that the status of the author, who may be dead before any publication takes place, is absolutely immaterial.] His Lordship then reviewed the cases, but erred in stating that the decision in *Chappell v. Purday* (11 M. & W. 303) was adverse to the foreigner's title, and that the authorities were nearly equally balanced.

Lord Brougham denied the existence of a copyright at the common law, treating that question as entirely open and speculative, because it was not decided in *Donaldson v. Beckett*. As the existence of the common-law right, until it was repealed by the statute of Anne, is established by the authorities cited above, which have never been overruled, and was indeed assumed in the statute of Anne, his Lordship's argument is noticeable only as a curiosity. Its drift is to prove that the notion of literary property is impossible, or a logical contradiction, and therefore could not have been parcel of the common law, but required for its establishment the energy of the royal prerogative or of Parliament; for though neither God nor the common law can will a contradiction, the Queen or the Legislature, it seems, may.

"The negation of that right," said his Lordship, "only implies that we refuse to acknowledge a property in things by their nature incapable of being held in severalty, and that we recoil from adopting a position which involves contradiction."

Lord St. Leonards adopted and aggravated the old confusion of inventions in manufactures with literary works, with a view to shew that copyright could not have existed by the common law; adding, however, that a common-law recognition of copyright would not help a foreigner residing abroad. [Why not, as much as the recognition of any other kind of property or right? A., being a Roman in possession of a picture at Rome, assigns it there to B.; the picture never comes to B.'s possession, but is wrongfully converted by C., and brought to this country. Has not B. a remedy in our courts by the common law? What difference can it make that the chattel is incorporeal, if it be recognised as property by our law? The common law protects a man's character without inquiring whether he be native or alien, resident here or abroad. It is admitted that an author has by the common law a remedy against the pirate of his manuscript works. Has not an alien author such a remedy, or must he be in this country when the wrong is committed?] After repeating the proposition that a statute is intended only for the benefit of residents and subjects, his Lordship made the extravagant assertion that there was no authority of any weight on the point to be decided. We must quote the next passage, as an amusing instance of the mistakes to which even a great lawyer is liable when he undertakes to criticise at sight. The statute of Anne "is by no means scientifically framed, and singularly enough, in the very statement of it, one would hardly suppose what its object was, for it is stated, in the first place, that the object is to give to authors the right to copies. . . . The truth is, the copies, as copies, are vested in the authors without the assistance of Parliament at all." We must infer that his Lordship has taken the non-existence of adverse authorities on trust, for he cannot have read the reports of *Millar v. Taylor*, and the other copyright cases decided in George the Third's reign, without noticing the constant use of "copy" in the sense of pattern or mould, to express the exclusive right to make copies, of which phrase our present word "copyright" is a mere inversion. His Lordship admitted that a natural-born subject residing abroad might acquire a copyright here, because of his natural allegiance, which he could not shake off. But the act intended, that as to a foreign book, it must be first published here, first printed here, and the publication of it here must be personally superintended by the author. There being no common-law right in a foreigner, and the statute not applying to foreigners, quâ foreigners, a person must be a subject of the realm for the time being, at least, to have the benefit of the act. Bellini at Milan could have no copyright here under the Milanese law, nor under our law while he remained there. If he had no right in himself, he could assign none. What he assigned to Ricordi was the Milanese copyright. [It was all the right existing or obtainable anywhere in respect of the work assigned.] The assignment by Ricordi to Boosey was confined to publication in the United Kingdom, excluding other parts of the British dominions. Now, it is perfectly clear that copyright (as distinguished from the right to license) is indivisible. [This, if perfectly clear, is also perfectly new.] The assignment, therefore, being partial, would be void. [Why not good as a license? (See *Sweet v. Cator*, 5 Jur. 68; 11 Sim. 578; 17 Jur., part 2, p. 487).] The assignment to Ricordi was, at any rate, void for want of two witnesses. [This last objection is the only one of any weight. The statute of Anne (sect. 1) prohibited the printing or reprinting of any book without the con-

sent of the proprietor first given in writing, attested by two witnesses—a prohibition which clearly extended to books in manuscript. From this it has been inferred, and is now settled law, that while that act was in force no assignment of copyright was valid without the attestation of two witnesses. (*Davidson v. Bohn*, 6 C. B. 456).]

The substance of the judgments may be thus recapitulated:—First, the question as to copyright under the repealed acts has nothing to do with the so-called copyright which an author is supposed to have before publication. Secondly, the repealed statutes only give copyright when the author is at the moment of publication either a British subject or a person within the British dominions. Thirdly, (per Lords Brougham and St. Leonards), there never was any copyright by the common law. Fourthly, (per Lord St. Leonards), an assignment of copyright limited to a part of the Queen's dominions is wholly void. Fifthly, (per Lord St. Leonards), an assignment of copyright under the repealed acts is void if it is not attested by two witnesses.

Some curious consequences flow from these propositions. Thus:—an English author assigns his copyright and dies before publication: the purchaser loses the copyright, for copyright does not exist and cannot be assigned before publication, and the author was neither a subject nor a resident at the time of publication. Again:—the author of a book first published abroad cannot have the benefit of the International Copyright Act, 7 & 8 Vict. c. 12, unless he owes allegiance to the Queen at the time of making the prescribed entry; for that act expresses no intention to benefit persons who do not owe allegiance to the Queen.

Let us now see how these propositions (not one of which, however, is incontrovertible law, for the decision may be rested either on the second alone, on the fourth alone, or on the fifth alone) affect by analogy the construction of the existing Copyright Acts, under which it is settled, by authorities not yet overruled, (*Cocks v. Purday*, *Buxton v. James*, and the dictum in *Ollendorf v. Black*), that copyright may be acquired by the first publication in this country of the work of an alien who never comes here.

The dicta of Lords Brougham and St. Leonards denying the common-law right prior to the statutes, being unsupported by a single decision, and contradicted by many, may be disregarded. It is settled, first, that the author of a book has up to the time of publication the sole right to publish; secondly, that this right is perpetual, and transmissible to executors, (*Queensbury v. Shebbeare*, 2 Eden, 329; *Webb v. Rose*, 4 Burr. 2330; 3 Swanst. 674); and, thirdly, that being transmissible to executors, it is property, and assignable. Now, these are rights at the common law, and there is no pretence for saying that the common law has made a special exemption of literary property from its general recognition of the rights of property in an alien who resides abroad. If the unpublished work of an alien author were copied and published here without his consent, he would, while residing abroad, have the same remedies here as if he had been a British subject. An alien author, then, has in this country, independently of any statute, rights of property in respect of his unpublished work. Such rights are, of necessity, assignable, and being personal rights, assignable according to the law of the place where the assignment is made.

We now turn to the present Copyright Act, 5 & 6 Vict. c. 45. It repeals the former acts, and expressly excludes the construction put upon them in *Jefferys v. Boosey*, by defining "copyright" to mean "the sole and exclusive liberty of printing or otherwise multiplying copies of any subject to which the said word is herein applied;" and "assigns" to mean and include "every person in whom the interest of an author in copyright

shall be vested, whether derived from such author *before* or after the publication of any book, and whether acquired by sale, gift, bequest, or by operation of law, or otherwise." It then enacts, "that the copyright in every book which shall, after the passing of this act, be published in the lifetime of its author, shall endure for the natural life of such author, and for the further term of seven years, commencing at the time of his death, *and shall be the property of such author and his assigns*; provided that if the said term of seven years shall expire before the end of forty-two years from the first publication of such book, the copyright shall in that case endure for such period of forty-two years; and that the copyright in every book which shall be published after the death of its author shall endure for the term of forty-two years from the first publication thereof, and shall be the property of the proprietor of the author's manuscript from which such book shall be first published, and his assigns."

We have, then, this much clear—that a foreign author, resident abroad, has the exclusive right of multiplying copies of his unpublished work; that such right is a common-law copyright expressly recognised in, but not depending on or affected by, the present act, and is assignable; that the assignee before publication is expressly within the purview of the act; and therefore that even admitting the principle of the late decision to be applicable to the present act, an assignee, resident here, of the copyright of the unpublished work of an alien residing abroad, is within the act, and may acquire a copyright by first publishing here. The word "composed" occurs but once in the act. The expression throughout is "first publication;" except in the 17th section, which is founded on the prohibitory clauses in some of the repealed acts, (referred to in an article on this subject in 12 Jur., part 2, p. 322), and prohibits under penalties the unauthorised importation of copies "of any printed works first composed or written, or printed and published in any part of the United Kingdom, wherein there shall be copyright." Even as it stands, this 17th section does not extend to the work of an English author printed abroad but first published here, although there can be no doubt that there would be copyright in such a work.

But we contend further, that the rule of construction laid down in the late case does not exist, and will not be recognised hereafter; that the decision must be treated as an anomaly, only to be followed in cases identical in circumstances and governed by the same statutes. It is a clear principle that every person (not being by hostility or otherwise an outlaw) is entitled to the benefit of every rule of the common law and every enactment within the *terms* of which he can bring himself. Residence in this country, or allegiance to the Crown, has nothing to do with rights of property here, except in the cases specially provided for. Indeed, the contrary proposition, though it has been asserted in the highest court, will not bear a moment's examination. It would deprive non-resident foreigners of the benefit of almost every statute on the roll. There is scarcely an enactment giving or facilitating remedies in our courts, or providing for the protection of personal property, which makes any mention of foreigners; yet no one supposes that a person, bringing himself in all respects within the terms of any of these enactments, is beyond their scope, if he be an alien not resident here. Whatever rights in respect of personal property a British subject may acquire in this country, through an agent or otherwise, while he resides abroad, an alien friend may acquire, unless his alienage has been expressly made a disqualification. There are some rights which an alien, wherever domiciled or resident, cannot acquire; these are all the subjects of express statutory or common-law rules. There are other rights which depend upon domicile. There are others which, from the nature of

things, can only be enjoyed by a person within the jurisdiction. But the notion of a class of rights to the acquisition of which alienage is no disqualification if the person is within the jurisdiction, and absence is no disqualification if the person is not an alien—rights which an agent can acquire for a native principal wherever he may be, and which an agent in London can acquire for an alien principal to-day if that principal happens to be in New Zealand, but cannot acquire for him if he sailed yesterday for New York—the notion of such a class of rights is peculiar to the judges who have decided *Boosey v. Jefferys*, and is not likely to be adopted in any different case.

The International Copyright Act, 7 & 8 Vict. c. 12, s. 2, fortunately supplies a short demonstration *ex absurdo* of the inapplicability of the late decision to the existing statutes. That act enables the Queen, by order in Council, to direct, "that as respects all or any particular class or classes of the following works, namely, books, prints, articles of sculpture, and other works of art to be defined in such order, which shall after a future time to be specified in such order *be first published in any foreign country to be named in such order*, the authors thereof respectively, their respective executors, &c., shall have the privilege of copyright therein during such period or respective periods as shall be defined in such order, not exceeding" &c. This does not apply to any work first published in this country. It clearly does apply to the works of non-resident aliens. Now, if the construction in *Jefferys v. Boosey* is to be extended to the present Copyright Acts, this absurdity will follow—that under the convention with France, a French author, first publishing abroad, may acquire a British copyright without leaving France, but he cannot do so if he publish first in England.

We have, lastly, the 4th section of the Alien Act, 7 & 8 Vict. c. 66, which enacts,

"That from and after the passing of this act every alien, being the subject of a friendly state, shall and may take and hold, by purchase, gift, bequest, representation, or otherwise, every species of personal property, [copyright is, by the stat. 5 & 6 Vict. c. 45, s. 25, expressly declared to be personal property], except chattels real, *as fully and effectually, to all intents and purposes, and with the same rights, remedies, exemptions, privileges, and capacities, as if he were a natural-born subject of the United Kingdom.*"

This enactment is not unexceptionable in form. It is, in fact, merely declaratory of the common law, and should not have been expressed prospectively; but, however taken, it either condemns the decision in *Jefferys v. Boosey*, or confines it to cases which arose before the passing of the Alien Act.

It appears therefore:—

1. That the copyright of a foreigner residing abroad, and first publishing here after the 1st July, 1842, is established by the plain language of the statutes, and by two independent decisions.

2. That such right is not negated by a single decision or dictum.

3. That neither the decision in the recent case in the House of Lords, nor the reasons given for that decision, can in any way govern the construction of the statutes which are now in force.

The Queen has been pleased to direct letters-patent to be passed under the Great Seal granting the dignity of a Baronet of the United Kingdom of Great Britain and Ireland unto John Beverley Robinson, Esq., C. B., Chief Justice of that part of her Majesty's province of Canada called Upper Canada; also unto Louis Hypolite Lafontaine, Esq., of the city of Montreal, Chief Justice of that part of her Majesty's province of Canada called Lower Canada, and to their heirs male lawfully begotten.

## PUBLIC GENERAL STATUTES.

17 &amp; 18 VICTORIÆ.—SESSION 2.

(Continued from p. 297).

## CAP. XXXII.

An Act to facilitate the Apportionment of the Rent when Parts of Lands in Lease are taken for the Purposes of the Church Building Acts. [10th July, 1854.]

Sect. 1. *Rents and Fines may be apportioned.*

2. *Parties to the Apportionment.*

3. *Jury may apportion.*

4. *Apportioned Rent to be recoverable by the same Remedies as the entire Rent.*

5. *How Sums secured by Way of Insurance, &c. may be apportioned.*

6. *Act to extend to Cases where Part of Hereditaments are included in Leases, &c.*

7. *Act to extend to Contracts for Leases.*

8. *Acts herein referred to.*

Be it enacted &c. as follows:—

Sect. 1. If any hereditaments to be acquired for any of the purposes of any of the Church Building Acts are included in a lease or underlease with any other hereditaments, the rent reserved by such lease or underlease, and any fine certain to be paid on any renewals thereof, may be apportioned between the hereditaments so to be acquired and the remainder of the hereditaments, or may be wholly charged on such remainder, in exoneration of the hereditaments so to be acquired.

2. Such apportionment or exoneration may be effected by the parties respectively having power to assign or convey the leasehold interest, and to assign or convey the reversion expectant on such leasehold interest, in the hereditaments so to be acquired.

3. In cases where the value of the hereditaments to be acquired is to be ascertained by a jury, the jury may also apportion any such rent or fine as aforesaid.

4. On the acquiring as aforesaid of any hereditaments included with other hereditaments in a lease or underlease, or leases or underleases as aforesaid, the rent or apportioned rent by any such apportionment or exoneration expressed to be made payable out of the hereditaments which shall not be acquired as aforesaid, and out of the hereditaments which shall be so acquired respectively, shall be recoverable, as regards such hereditaments respectively, by the same remedies by which before such acquiring the rent reserved by the lease or underlease was recoverable out of the whole of the hereditaments therein comprised; and all the covenants, conditions, and agreements in such lease or underlease contained, as well those relating to rent as others, so far as regards the part acquired and the residue not acquired as aforesaid respectively of the hereditaments comprised in such lease or underlease, shall continue and shall subsist upon and against and with regard to such part so acquired and such residue respectively, in like manner as if such part or residue only had been originally comprised in such lease or underlease; and in case such lease or underlease shall contain provisions for renewal upon payment of a fine certain, such provisions for renewal shall apply to the part acquired and the residue not acquired as aforesaid respectively of the hereditaments comprised in such lease or underlease, in the same manner as if such part or residue only had been originally comprised in such lease or underlease, and the fine certain to be paid on any renewal had been the fine certain which in the exoneration or apportionment shall be expressed to be payable in respect of the same hereditaments.

5. Sums of money to be secured by way of insurance, and all other sums of money or other payments or services, may be apportioned or exclusively charged in the same manner, and with the same effects in all respects, as are herein provided with respect to the apportionment or exclusive charge of rent.

6. The provisions of this act extend to all cases where a part of the hereditaments included in any lease or underlease is to be acquired for the purposes of any of the Church Building Acts, although no apportionment of or exoneration from rent may take place, by reason that no rent, or a rent only nominal, is reserved by the lease or underlease.

7. The provisions of this act relate to contracts for leases and underleases as well as to leases and underleases.

8. The acts herein referred to as the Church Building Acts are, the act of the 14 & 15 Vict. c. 97, "to amend the Church Building Acts," and the acts in that act enumerated as the Church Building Acts, and also the act of the 6 & 7 Vict. c. 37, "to make better provision for the spiritual care of populous parishes."

## CAP. XXXIII.

An Act to place Public Statutes within the Metropolitan Police District under the Control of the Commissioners of her Majesty's Works and Public Buildings.

[10th July, 1854.]

## CAP. XXXIV.

An Act to enable the Courts of Law in England, Ireland, and Scotland to issue Process to compel the Attendance of Witnesses out of their Jurisdiction, and to give Effect to the Service of such Process in any Part of the United Kingdom.

[10th July, 1854.]

Sect. 1. *Courts of Law in England, Ireland, and Scotland may issue Process to compel the Attendance of Witnesses, although not within their Jurisdiction.*

2. *Statement to be made at Foot of Writ that it is issued by special Order,*

3. *Witnesses making Default to be punished by the Courts of the Country in which the Process was served.*

4. *Persons not to be punished if it shall appear that sufficient Money has not been tendered to pay Expenses.*

5. *Act not to prevent the issuing of a Commission to examine Witnesses.*

6. *Not to affect the Admissibility of Evidence where now receivable.*

Whereas great inconvenience arises in the administration of justice from the want of a power in the superior courts of law to compel the attendance of witnesses resident in one part of the United Kingdom at a trial in another part, and the examination of such witnesses by commission is not in all cases a sufficient remedy for such inconvenience: be it therefore enacted &c. as follows:—

Sect. 1. If in any action or suit now or at any time hereafter depending in any of her Majesty's superior Courts of Common Law at Westminster or Dublin, or the Court of Session or Exchequer in Scotland, it shall appear to the Court in which such action is pending, or, if such Court is not sitting, to any judge of any of the said courts respectively, that it is proper to compel the personal attendance at any trial of any witness who may not be within the jurisdiction of the Court in which such action is pending, it shall be lawful for such court or judge, if in his or their discretion it shall so seem fit, to order that a writ, called a writ of subpoena ad testificandum, or of subpoena duces tecum, or warrant of citation, shall issue in special form, commanding such witness to attend such trial, wherever he shall be within the United Kingdom, and the service of any such writ or process in any part of the United Kingdom shall be as valid and effectual, to all intents and purposes, as if the same had been served within the jurisdiction of the Court from which it issues.

2. Every such writ shall have at foot thereof a statement or notice that the same is issued by the special order of the court or judge, as the case may be; and no such writ shall issue without such special order.

3. In case any person so served shall not appear, according to the exigency of such writ or process, it shall be lawful for the Court out of which the same issued, upon proof made of the service thereof, and of such default, to the satisfaction of the said Court, to transmit a certificate of such default, under the seal of the same Court, or under the hand of one of the judges or justices of the same, to any of her Majesty's superior Courts of Common Law at Westminster, in case such service was had in England; or in case such service was had in Scotland, to the Court of Session or Exchequer at Edinburgh; or in case such service was had in Ireland, to any of her Majesty's superior Courts of Common Law at Dublin; and the Court to which such certificate is so sent shall and may thereupon proceed against and punish the person so having made default, in like manner as they might have done if such person had neglected or refused to appear in obedience to a writ of

subpoena or other process issued out of such last-mentioned court.

4. None of the said Courts shall in any case proceed against or punish any person for having made default by not appearing to give evidence in obedience to any writ of subpoena or other process issued under the powers given by this act, unless it shall be made to appear to such Court that a reasonable and sufficient sum of money to defray the expenses of coming and attending to give evidence, and of returning from giving such evidence, had been tendered to such person at the time when such writ of subpoena or process was served upon such person.

5. Nothing herein contained shall alter or affect the power of any of such Courts to issue a commission for the examination of witnesses out of their jurisdiction, in any case in which, notwithstanding this act, they shall think fit to issue such commission.

6. Nothing herein contained shall alter or affect the admissibility of any evidence at any trial where such evidence is now by law receivable, on the ground of any witness being beyond the jurisdiction of the Court, but the admissibility of all such evidence shall be determined as if this act had not passed.

#### CAP. XXXV.

An Act to repeal certain Provisions of an Act of the fifth and sixth Years of her present Majesty, concerning the holding of Assizes for the County of Warwick.

[10th July, 1854.]

#### CAP. XXXVI.

An Act for preventing Frauds upon Creditors by secret Bills of Sale of personal Chattels.

[10th July, 1854.]

Sect. 1. *Bills of Sale to be void, unless the same or a Copy thereof be filed within twenty-one Days, in like Manner as Warrants of Attorney.*

2. *Defeasance or Condition of every Bill of Sale to be written on the same Paper or Parchment.*

3. *Officer of Court to keep a Book containing Particulars of each Bill of Sale.*

4. *Officer entitled to a Fee of 1s. for filing Bill of Sale, and to account for the same.*

5. *Office Copies or Extracts to be given on paying as for Copies of Judgments.*

6. *Satisfaction may be entered.*

7. *Interpretation of Terms.*

8. *Extent of Act.*

Whereas frauds are frequently committed upon creditors by secret bills of sale of personal chattels, whereby persons are enabled to keep up the appearance of being in good circumstances and possessed of property, and the grantees or holders of such bills of sale have the power of taking possession of the property of such persons, to the exclusion of the rest of their creditors: for remedy whereof, be it therefore enacted &c. as follows:—

Sect. 1. Every bill of sale of personal chattels made after the passing of this act, either absolutely or conditionally, or subject or not subject to any trusts, and whereby the grantee or holder shall have power, either with or without notice, and either immediately after the making of such bill of sale or at any future time, to seize or take possession of any property and effects comprised in or made subject to such bill of sale, and every schedule or inventory which shall be thereto annexed or therein referred to, or a true copy thereof, and of every attestation of the execution thereof, shall, together with an affidavit of the time of such bill of sale being made or given, and a description of the residence and occupation of the person making or giving the same, or in case the same shall be made or given by any person under or in the execution of any process, then a description of the residence and occupation of the person against whom such process shall have issued, and of every attesting witness to such bill of sale, be filed with the officer acting as clerk of the docket and judgments in the Court of Queen's Bench within twenty-one days after the making or giving of such bill of sale, (in like manner as a warrant of attorney in any personal action given by a trader is now by law required to be filed), otherwise such bill of sale shall, as against all assignees of the estate and effects of the person whose goods, or any of them, are comprised in such bill of sale under the laws relating to bankruptcy or insolvency,

or under any assignment for the benefit of the creditors of such person, and as against all sheriffs' officers and other persons seizing any property or effects comprised in such bill of sale in the execution of any process of any court of law or equity authorising the seizure of the goods of the person by whom or of whose goods such bill of sale shall have been made, and against every person on whose behalf such process shall have been issued, be null and void to all intents and purposes whatsoever, so far as regards the property in or right to the possession of any personal chattels comprised in such bill of sale, which at or after the time of such bankruptcy, or of filing the insolvent's petition in such insolvency, or of the execution by the debtor of such assignment for the benefit of his creditors, or of executing such process, (as the case may be), and after the expiration of the said period of twenty-one days, shall be in the possession or apparent possession of the person making such bill of sale, or of any person against whom the process shall have issued, under or in the execution of which such bill of sale shall have been made or given, as the case may be.

2. If such bill of sale shall be made or given subject to any defeasance or condition or declaration of trust not contained in the body thereof, such defeasance or condition or declaration of trust shall, for the purposes of this act, be taken as part of such bill of sale, and shall be written on the same paper or parchment on which such bill of sale shall be written, before the time when the same or a copy thereof respectively shall be filed, otherwise such bill of sale shall be null and void to all intents and purposes, as against the same persons and as regards the same property and effects, as if such bill of sale or a copy thereof had not been filed according to the provisions of this act.

3. The said officer of the said Court of Queen's Bench shall cause every bill of sale, and every such schedule and inventory as aforesaid, and every such copy filed in his said office under the provisions of this act, to be numbered, and shall keep a book or books in his said office, in which he shall cause to be fairly entered an alphabetical list of every such bill of sale, containing therein the name, addition, and description of the person making or giving the same, or in case the same shall be made or given by any person under or in the execution of process as aforesaid, then the name, addition, and description of the person against whom such process shall have issued, and also of the person to whom or in whose favour the same shall have been given, together with the number, and the dates of the execution and filing of the same, and the sum for which the same has been given, and the time or times (if any) when the same is thereby made payable, according to the form contained in the schedule to this act, which said book or books, and every bill of sale or copy thereof filed in the said office, may be searched and viewed by all persons at all reasonable times, paying to the officer for every search against one person the sum of 6d., and no more; and that, in addition to the last mentioned book, the said officer of the said Court of Queen's Bench shall keep another book or index, in which he shall cause to be fairly inserted, as and when such bills of sale are filed in manner aforesaid, the name, addition, and description of the person making or giving the same, or of the person against whom such process shall have issued, as the case may be, and also of the persons to whom or in whose favour the same shall have been given, but containing no further particulars thereof; which last-mentioned book or index all persons shall be permitted to search for themselves, paying to the officer for such last-mentioned search the sum of 1s.

4. The said officer shall be entitled to receive, for his trouble in filing and entering every such bill of sale or a copy thereof as aforesaid, the sum of 1s., and no more; and such officer shall render a like account to the commissioners of her Majesty's Treasury, and the said commissioners shall have the like powers in every particular with respect to such account, and the amount of remuneration of such officer, and with respect to any surplus of the fees received by him, as is provided by the 13 & 14 Vict. c. 75, with respect to the officers of the Court of Common Pleas therein mentioned.

5. Any person shall be entitled to have an office copy or an extract of every bill of sale, or of the copy thereof filed as aforesaid, upon paying for the same at the like rate as for office copies of judgments in the said Court of Queen's Bench.

6. It shall be lawful for any judge of the said Court of Queen's Bench to order a memorandum of satisfaction to be

written upon any bill of sale or copy thereof respectively as aforesaid, if it shall appear to him that the debt (if any) for which such bill of sale is given as security shall have been satisfied or discharged.

7. In construing this act the following words and expressions shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such constructions; (that is to say)—

The expression "bill of sale" shall include bills of sale, assignments, transfers, declarations of trust without transfer, and other assurances of personal chattels, and also powers of attorney, authorities, or licenses to take possession of personal chattels as security for any debt, but shall not include the following documents; that is to say, assignments for the benefit of the creditors of the person making or giving the same; marriage settlements; transfers or assignments of any ship or vessel, or any share thereof; transfers of goods in the ordinary course of business of any trade or calling; bills of sale of goods in foreign parts or at sea; bills of lading; India warrants; warehouse keepers' certificates; warrants or orders for the delivery of goods, or any other documents used in the ordinary course of business as proof of the possession or control of goods, or authorising or purporting to authorise, either by indorsement or by delivery, the possessor of such document to transfer or receive goods thereby represented:

The expression "personal chattels" shall mean goods, furniture, fixtures, and other articles capable of complete transfer by delivery, and shall not include chattel interests in real estate, nor shares or interests in the stock, funds, or securities of any government, or in the capital or property of any incorporated or joint-stock company, nor choses in action, nor any stock or produce upon any farm or lands which by virtue of any covenant or agreement, or of the custom of the country, ought not to be removed from any farm where the same shall be at the time of the making or giving of such bill of sale:

Personal chattels shall be deemed to be in the "apparent possession" of the person making or giving the bill of sale, so long as they shall remain or be in or upon any house, mill, warehouse, building, works, yard, land, or other premises occupied by him, or as they shall be used and enjoyed by him in any place whatsoever, notwithstanding that formal possession thereof may have been taken by or given to any other person.

8. This act shall not extend to Scotland or Ireland.

#### SCHEDULE.

<i>Name, &amp;c. of the Person making or giving the Bill of Sale, or of the Person divested of Property.</i>	<i>Name, &amp;c. of the Person to whom made or given.</i>	<i>Whether Bill of Sale, Assignment, Transfer, or what other Assurance, and whether absolute or conditional, and Number.</i>	<i>Deed of Execution.</i>	<i>Date of Filing.</i>	<i>Sum for which made or given.</i>	<i>When and how payable.</i>

#### CAP. XXXVII.

An Act for establishing the Validity of certain Proceedings in her Majesty's Court of Vice-Admiralty in Mauritius. [10th July, 1854.]

#### CAP. XXXVIII.

An Act for the Suppression of Gaming Houses. [24th July, 1854.]

#### CAP. XXXIX.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively. [24th July, 1854.]

#### CAP. XL.

An Act to continue an Act of the last Session of Parliament, for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives. [24th July, 1854.]

#### CAP. XLI.

An Act to continue the Poor-law Board. [24th July, 1854.]

#### CAP. XLII.

An Act to continue certain Acts for regulating Turnpike Roads in Ireland. [24th July, 1854.]

#### CAP. XLIII.

An Act to continue an Act of the seventeenth Year of her present Majesty, for charging the Maintenance of certain poor Persons in Unions in England and Wales upon the common Fund. [24th July, 1854.]

#### CAP. XLIV.

An Act for regulating and maintaining the Harbours of Holyhead, and for vesting them in the Admiralty. [24th July, 1854.]

#### CAP. XLV.

An Act to amend the Dublin Carriage Act, 1853. [24th July, 1854.]

#### CAP. XLVI.

An Act to continue certain Acts relating to Linen, Hempen, and other Manufactures in Ireland. [24th July, 1854.]

#### CAP. XLVII.

An Act to alter and improve the Mode of taking Evidence in the Ecclesiastical Courts of England and Wales. [24th July, 1854.]

Be it enacted &c., that in any suit or proceeding depending in any ecclesiastical court in England or Wales, the court (if it shall think fit) may summon before it and examine or cause to be examined witnesses by word of mouth, and either before or after examination by deposition or affidavit; and notes of such evidence shall be taken down in writing by the judge or registrar, or by such other person or persons, and in such manner, as the judge of the court shall direct.

#### CAP. XLVIII.

An Act to authorise the Inclosure of certain Lands, in Pursuance of a Special Report of the Inclosure Commissioners for England and Wales. [24th July, 1854.]

#### CAP. XLIX.

An Act for the Settlement of Claims upon and over the New Forest. [24th July, 1854.]

#### CAP. L.

An Act to continue an Act of the twelfth Year of her present Majesty, for amending the Laws relating to Savings Banks in Ireland, and to authorise Friendly Societies to invest the Whole of their Funds in Savings Banks. [24th July, 1854.]

(To be continued).

#### London Gazettes.

FRIDAY, SEPTEMBER 8.

#### BANKRUPTS.

ISIDORE BLOOMENTHAL, Weymouth-place and Rodney-buildings, New Kent-road, Surrey, lithographic engraver, printer, account-book manufacturer, dealer and chapman, Sept. 16 at 11, and Oct. 19 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. King, 3, Barge-yard, Bucklersbury.—Petition filed Aug. 30.

JOHN WILLOX, Broadway, Westminster, Middlesex, cheesemonger, dealer and chapman, Sept. 15 at half-past 12, and Nov. 4 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Pocock & Poole, 58, Bartholomew-close, London.—Petition filed Aug. 29.



**WILLIAM HENRY BOUSFIELD**, Roughway, near Tunbridge, Kent, paper manufacturer, dealer and chapman, Sept. 15 at 1, and Nov. 3 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Lawrance & Co., 14, Old Jewry-chambers, Old Jewry.—Petition filed Sept. 2.

**CHARLES DAVIS** and **JOHN EATON**, Surbiton Hill, Kingston-upon-Thames, Surrey, builders, Sept. 20 at half-past 1, and Oct. 18 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Jay & Pilgrim, Norwich; Jay, 14, Bucklersbury, London.—Petition filed Sept. 1.

**WILLIAM BATCHELAR**, Broad-green, Croydon, Surrey, baker, corn and coal dealer, Sept. 20 and Oct. 18 at 2, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Everest & Co., Epsom and Croydon, Surrey.—Petition filed Sept. 6.

**WILLIAM HOWELL**, Goswell-street, St. Luke's, Middlesex, licensed victualler, Sept. 20 at 2, and Oct. 18 at 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Martineau & Reed, 2, Raymond-buildings, Gray's-inn.—Petition filed Sept. 7.

**SAMUEL STAMTON**, Birmingham, licensed victualler, Sept. 20 and Oct. 11 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Ludlow, Birmingham.—Petition dated Aug. 30.

**CHARLES WALDRON**, Bilston, Staffordshire, clothier and woollendraper, dealer and chapman, Sept. 22 and Oct. 12 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Sutton, Manchester; Hodgson, Birmingham.—Petition dated Aug. 29.

**HENRY AMOR**, Bath, Somersetshire, shoemaker and licensed victualler, Sept. 19 and Oct. 17 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Wilton, Bath.—Petition filed Sept. 7.

**WILLIAM JOHN NORSWORTHY**, Sidmouth, Devonshire, baker, dealer and chapman, Sept. 19 and Oct. 12 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Stogdon, Exeter; Hooper, Exeter.—Petition filed Sept. 4.

**THOMAS WIGFALL**, Sheffield, Yorkshire, table-knife manufacturer, Sept. 23 and Oct. 28 at 12, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sol. Fernell, Sheffield.—Petition dated Aug. 26.

**WILLIAM JONES**, Liverpool, shipwright and boat builder, Sept. 21 and Oct. 12 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Robinson & Duke, Liverpool.—Petition filed Sept. 2.

**ROBERT WRIGHTSON**, Liverpool, metal broker and agent, Sept. 21 and Oct. 12 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sol. Bolton, Wolverhampton.—Petition filed Aug. 22.

**HENRY KERFOOT**, Bedford, near Leigh, Lancashire, silk manufacturer, dealer and chapman, Sept. 21 and Oct. 17 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sol. Boote, Manchester.—Petition filed Sept. 6.

**WILLIAM GRAHAM**, Wigton, Cumberland, grocer, Sept. 13 and Oct. 9 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Lawson, Wigton; T. & W. Chater, Newcastle-upon-Tyne; Bell & Co., Bow-churchyard, London.—Petition filed Aug. 28.

#### MEETINGS.

*John Charles Drant*, Shoreditch, Middlesex, oilman, Sept. 30 at 2, Court of Bankruptcy, London, last ex.—*Charles Foot*, Ingram-court, Fenchurch-street, London, wine merchant, Sept. 28 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Joseph Scudamore*, Coleford, Gloucestershire, draper, Sept. 28 at 11, District Court of Bankruptcy, Bristol, aud. ac.; Oct. 3 at 11, div.—*L. F. Bellot*, Old Jewry-chambers, London, merchant, Sept. 29 at 11, Court of Bankruptcy, London, div.—*John Ellis Watkinson*, Halifax, Yorkshire, grocer, Sept. 29 at 11, District Court of Bankruptcy, Leeds, div.—*Joseph M'Lintock*, Barnsley, Yorkshire, linen manufacturer, Sept. 29 at 11, District Court of Bankruptcy, Leeds, div.—*Michael Robinson*, Halifax, Yorkshire, linendraper, Sept. 29 at 11, District Court of Bankruptcy, Leeds, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Ely Kitson*, Fenchurch-street, London, saddler, Oct. 5 at 1, Court of Bankruptcy, London.—*James Russell*, Chichester, cabinet maker, Sept. 30 at 1, Court of Bankruptcy, London.

—*Edward T. Roe*, Brighton-place, Brixton-road, Surrey, oil and colour man, Oct. 2 at 12, Court of Bankruptcy, London.—*John Harrington*, Ramaden Crays, Essex, baker, Sept. 30 at half-past 11, Court of Bankruptcy, London.—*Auguste Silvestre*, Argyle-street, Regent-street, Middlesex, dealer in fancy goods, Sept. 30 at 12, Court of Bankruptcy, London.—*George Forster*, Liverpool, sharebroker, Sept. 29 at 11, District Court of Bankruptcy, Liverpool.

*To be granted, unless an Appeal be duly entered.*

*William Henry Wearn*, Southsea, Portsea, Southampton, grocer.

#### SCOTCH SEQUESTRATIONS.

*A. M'Clery*, Glenluce, merchant.—*James H. Buchanan*, Aberfeldy, hotel keeper.—*John Roy*, Stirling, grocer.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Wm. Cook*, Bristol, boiler maker, Oct. 12 at half-past 10, County Court of Gloucestershire, at Bristol.—*Edwin Cox*, Bristol, retailer of beer, Oct. 12 at half-past 10, County Court of Gloucestershire, at Bristol.—*Mary Bentley*, widow, Selby, Yorkshire, grocer, Sept. 14 at 10, County Court of Yorkshire, at Selby.—*John Preston*, Redmarley d'Abitot, Worcestershire, cordwainer, Sept. 26 at 11, County Court of Gloucestershire, at Newent.—*Wm. Phelps*, Higham, Gloucestershire, painter, Oct. 12 at 10, County Court of Gloucestershire, at Gloucester.—*Frederick Orvis*, Ipswich, Suffolk, baker, Sept. 22 at 9, County Court of Suffolk, at Ipswich.—*Thomas Ede*, Guildford, Surrey, baker, Oct. 3 at 1, County Court of Surrey, at Guildford.—*James R. Pilcher*, Guildford, Surrey, veterinary surgeon, Oct. 3 at 1, County Court of Surrey, at Guildford.—*Robert Butlerworth*, Rochdale, Lancashire, provision dealer, Sept. 21 at 12, County Court of Lancashire, at Rochdale.—*Ralph Hull*, Haslingden, Lancashire, joiner, Sept. 21 at 12, County Court of Lancashire, at Rochdale.—*John Brimley*, Daventry, Northamptonshire, butcher, Sept. 18 at 11, County Court of Northamptonshire, at Daventry.—*George Adcock*, Wisemore, Walsall, Staffordshire, grocer, Sept. 23 at 10, County Court of Staffordshire, at Walsall.—*Joseph Thomas*, Wednesbury, Staffordshire, agent, Sept. 23 at 10, County Court of Staffordshire, at Walsall.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Sept. 25 at 11, before the CHIEF COMMISSIONER.*

*Christopher R. Preston*, Michael's-grove, Brompton, Middlesex, gentleman.—*James William Walsh*, Westbury-road, Harrow-road, Middlesex, attorney.—*John Law Beetholme*, Cornwall-place, Holloway, Middlesex, attorney-at-law.

*Sept. 25 at 11, before Mr. Commissioner PHILLIPS.*

*Wm. Brown*, Wapping-wall, Shadwell, Middlesex, retailer of beer.—*Thomas Parnell* the younger, Westbury-road, Harrow-road, Middlesex, carpenter.—*Daniel Philp*, Westcroft-place, Hammersmith, Middlesex, baker.

*Sept. 25 at 10, before Mr. Commissioner MURPHY.*

*Philip Dicker Cooper*, Cambridge-street, Picnic, Middlesex, tailor.—*Jas. Thos. Ratcliffe*, Harrow-street, Lambeth, Southwark, Surrey, wholesale stationer.—*Joseph Tyngwell*, Arundel-street, Strand, Middlesex, builder.

*Sept. 26 at 10, before the CHIEF COMMISSIONER.*

*Henry Drysdale*, Grace's-alley, Wellclose-square, Whitechapel, Middlesex, carpenter.—*F. Waller Prince*, Caroline-place, Hampstead-road, Middlesex, gunmaker.—*Joseph Lawson*, Paynton-terrace, East India-road, Poplar, Middlesex, master mariner.

*Sept. 26 at 11, before Mr. Commissioner PHILLIPS.*

*John Zealey*, Neckinger-street, Bermondsey, Surrey, carpenter.—*Henry E. B. Giles*, Assembly-row, Mile-end-road, Whitechapel, Middlesex, attorney-at-law.—*Jas. D. Hargood*, Essex-street, Islington, Middlesex, out of business.

*Sept. 26 at 10, before Mr. Commissioner MURPHY.*

*T. Dawson Bowker Campbell*, Layton-place, Middle-road, Brixton, Surrey, out of employment.—*Wm. Pryer*, Lower Tottenham, Middlesex, corn dealer.—*Samuel Notley*, Hawley-road, Kentish-town, Middlesex, accountant.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Glamorganshire, at CARDIFF, Sept. 23.*

*Wm. Taylor, Britonferry, butcher.—Wm. Bew, Treforest, baker.*

*At the County Court of Yorkshire, at YORK, Sept. 25.*

*George Nicholson Tootal, Leeds, sharebroker.—Jacob R. Owen, York, out of business.—Samuel Haigh, Leeds, flax dresser.—John Turner, Sheffield, coach builder.—Joe Cliffe, York, out of business.—James Johnson, Sheffield, out of business.—Henry Smith, Thornton-road, near Bradford, moulder.—David Smith, Bradford, moulder.—James Haley, Thornton-road, near Bradford, moulder.—Thos. Leathley, Morley, near Leeds, cloth manufacturer.—James Oddey, Keighley, licensed hawk.—Alfred Gorgias Neale, Thornton, near Bradford, shoemaker.—Jos. Waddington, Knottingley, near Pontefract, shoemaker.—Joseph Ridge Simpson, Sheffield, out of business.—John Falshaw Supton, Sheffield, out of business.—George Dyson the elder, Sindleigh, near Huddersfield, woollen-cloth manufacturer.—George Barr, North Frodingham, near Driffield, schoolmaster.—Wm. Milner, York, out of business.—John Boocock, Huddersfield, out of business.—Joseph Harrison, Bradford, licensed retailer of beer.—Wm. Bracewell, Bradford, grocer.—Geo. Gillatt, Barnsley, baker.*

*At the County Court of Warwickshire, at WARWICK, Sept. 25 at 10.*

*Wm. Edw. Hughes, Leamington, in no profession.*

*At the County Court of Nottinghamshire, at NOTTINGHAM, Sept. 26 at 10.*

*Joseph Turner the younger, New Basford, lace maker.*

*At the County Court of Gloucestershire, at BRISTOL, Sept. 28 at half-past 10.*

*Thomas Chandler, Clifton, Bristol, milkman.*

*At the County Court of Northumberland, at MORPETH, Sept. 29 at 10.*

*Joseph Brand, North Shields, builder.—John Homies, Newcastle-upon-Tyne, labourer.*

*At the County Court of Oxfordshire, at OXFORD, Oct. 6 at 10.*

*Michael Thring Slater, Henley, out of business.*

#### MEETINGS.

*Jonas Ingham, Keelham-hill, near Halifax, Yorkshire, stuff manufacturer, Sept. 25 at 3, at the Bowling-green Inn, Bradford, sp. aff.—R. Bleackley, Broughton-grove Farm, Higher Broughton, Salford, Lancashire, farmer, Sept. 27 at 3, at Lord's, Rochdale, sp. aff.*

TUESDAY, SEPTEMBER 12.

#### BANKRUPTS.

**BENJAMIN PARKER**, Albany-road, Camberwell, Surrey, builder, dealer and chapman, (trading under the names of James Parker and James Benjamin Parker), Sept. 20 at half-past 2, and Oct. 18 at half-past 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Messrs. Linklater, 17, Sise-lane, City.—Petition filed Sept. 6.

**HENRY WIGG and BURTON SMITH**, Gresham-street West, London, commission agents, Sept. 21 at 12, and Nov. 6 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Reed, 10, Ironmonger-lane, London.—Petition filed Aug. 7.

**ANN MARIA EDWARDS and THOMAS COOPER**, Birmingham, ironmongers, dealers and chapmen, Sept. 25 and Oct. 16 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Reece, Birmingham.—Petition dated Sept. 11.

**GEORGE SAMPSON**, Lincoln, draper, Sept. 27 and Oct. 25 at 12, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Carrick; Sol. Tweed, Lincoln.—Petition dated Sept. 8.

#### MEETINGS.

*William Wallen the younger, Laurence Pountney-lane, London, architect, Sept. 28 at 1, Court of Bankruptcy, London, pr. d.*

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Charles Sumpter Morris*, Sobam, Cambridgeshire, gas manufacturer, Oct. 3 at 1, Court of Bankruptcy, London.—*C. Druke*, Garlick-hill, London, drysalter, Oct. 3 at 12, Court of Bankruptcy, London.—*John Dossetter*, Theobald's-road, Middlesex, ironmonger, Oct. 3 at 11, Court of Bankruptcy, London.—*John Westlake Wainwright*, Bridgewater, Somersetshire, builder, Oct. 5 at 1, District Court of Bankruptcy, Exeter.—*Jas. Palmer Shapcott*, Preston Plunknett, Somersetshire, wool dealer, Oct. 5 at 1, District Court of Bankruptcy, Exeter.—*James Palmer*, Bristow, Devonshire, maltster, Oct. 5 at 1, District Court of Bankruptcy, Exeter.—*John Courtis*, Beeralstone, Devonshire, grocer, Oct. 5 at 1, District Court of Bankruptcy, Exeter.—*George Frederick Blaxam*, Lukesland-grove, near Ivy-bridge, Devonshire, horse dealer, Oct. 5 at 1, District Court of Bankruptcy, Exeter.—*Wm. Atherton*, Liverpool, merchant, Oct. 3 at 11, District Court of Bankruptcy, Liverpool.

*To be granted, unless an Appeal be duly entered.*

*John Lloyd Bullock*, Conduit-street, Bond-st., Middlesex, operative chemist.—*Henry Claridge*, Banbury, Oxfordshire, tea dealer.—*Owen Beane*, Westbourne-terrace, Hyde-park, Middlesex, surgeon.—*Philip Oliver*, Edward-square, Brompton, Middlesex, and Llanbadarnfwr, Cardiganshire, dealer in mining shares.—*Samuel Turner Probst*, Addle-st., Wood-st., Cheapside, London, licensed victualler.—*James Tyars*, New Crane Corn-wharf, Shadwell, Middlesex, wharfinger.—*Fred. Rosenberg*, Albany, Middlesex, and Freeschool-street, Horleydown, Surrey, cask manufacturer.—*George Stanley*, Queen-street, London, and Burton-street, Bond-street, Middlesex, fishing-tackle maker.—*John David Neill and Henry Sanderson*, Liverpool, ship brokers.—*Thomas Colton Matthews*, Kingston-upon-Hull, brewer.

#### SCOTCH SEQUESTRATIONS.

*Lieutenant Alexander Macpherson*, deceased, Ruthven, Kingussie, Inverness-shire, tacksmen.—*W. Dodds*, Glasgow, sail-cloth manufacturer.—*Thomas Low*, Alyth, Perthshire, baker.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*George Parker*, Coventry, Warwickshire, Oct. 2 at 12, County Court of Warwickshire, at Coventry.—*John Elliott*, Coventry, Warwickshire, saddler, Oct. 2 at 12, County Court of Warwickshire, at Coventry.—*Richard Barton*, Coventry, Warwickshire, tin-plate worker, Oct. 2 at 12, County Court of Warwickshire, at Coventry.—*F. Ball*, Longford, Foleshill, Warwickshire, licensed victualler, Oct. 2 at 12, County Court of Warwickshire, at Coventry.—*Thomas Shilton*, Coventry, Warwickshire, carpenter, Oct. 2 at 12, County Court of Warwickshire, at Coventry.—*Wm. Allman*, Coventry, Warwickshire, parasol manufacturer, Oct. 2 at 12, County Court of Warwickshire, at Coventry.—*Wm. Philip Symons*, Fiddington, Somersetshire, licensed victualler, Sept. 21 at 10, County Court of Somersetshire, at Bridgewater.—*J. Crothall*, Ashford, Kent, shoemaker, Sept. 18 at 10, County Court of Kent, at Ashford.—*J. Hewitt*, Carlisle, Cumberland, joiner, Sept. 25 at 10, County Court of Cumberland, at Carlisle.—*Samuel Paget*, Rainhill, Lancashire, picture seller, Sept. 27 at 12, County Court of Lancashire, at St. Helen's.—*Richard Davies*, Eccleston, Lancashire, licensed victualler, Sept. 27 at 12, County Court of Lancashire, at St. Helen's.—*Michael Shacklock*, Nottingham, plumber, Sept. 26 at 10, County Court of Nottinghamshire, at Nottingham.—*Joseph Poole*, Nottingham, pork butcher, Sept. 26 at 10, County Court of Nottinghamshire, at Nottingham.—*Frederick Girdham*, Nottingham, confectioner, Sept. 26 at 10, County Court of Nottinghamshire, at Nottingham.—*Chas. Howson*, Manchester, looking-glass maker, Oct. 2 at 12, County Court of Lancashire, at Manchester.—*Henry Woodhouse*, Dudley, Worcestershire, baker, Sept. 29 at 9, County Court of Worcestershire, at Dudley.—*Henry Stevens*, Prestbury, Gloucestershire, wheelwright, Oct. 4 at 10, County Court of Gloucestershire, at Cheltenham.—*John Edwards*, Cheltenham, Gloucestershire, fruiterer, Oct. 4 at 10, County Court of Gloucestershire, at Cheltenham.—*Chas. Moss*, Crowmarsh Gifford, Oxfordshire,

grocer, Sept. 27 at 12, County Court of Berkshire and Oxfordshire, at Wallingford.—*John Bennett*, South Moreton, Berkshire, registrar of births and deaths, Sept. 27 at 12, County Court of Berkshire and Oxfordshire, at Wallingford.—*John Moule*, Bridgewater, Somersetshire, coach builder, Sept. 21 at half-past 9, County Court of Somersetshire, at Bridgewater.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Nov. 20 at 11, before the CHIEF COMMISSIONER.*

*Chas. Victor Emile Petit*, Prince's-street, Leicester-square, Middlesex, teacher of dancing.—*H. Walker*, Lowndes-place, Holloway-road, Middlesex, shoemaker.—*T. Morgan*, Upper Southampton-street, Pentonville, Middlesex, grocer.—*John Kirby*, Piccadilly, Middlesex, omnibus driver.—*Auguste Jean Baptiste Amand*, Calthorpe-terrace, Calthorpe-street, Gray's-inn-road, Middlesex, artificial florist.

*Nov. 30 at 11, before Mr. Commissioner PHILLIPS.*

*John Gallowin*, Salisbury-square, London, out of business.—*George Richardson*, Waterloo-road, Southwark, Surrey, tea dealer.—*Edward Batty*, Clifton-street North, Finsbury, Middlesex, cabinet maker.—*James F. Kite*, Swan-yard, Shore-ditch, Middlesex, cab driver.—*Richard Harris*, Osborn-st., Whitechapel, Middlesex, beerseller.—*John O'Connor*, Great Queen-street, Edgeware-road, Marylebone, Middlesex, green-grocer.—*F. Pearce*, Union-place, Blackheath-road, Greenwich, Kent, out of employment.—*Edward Jones*, Church-street, Blackfriars-road, Surrey, currier.

*Dec. 6 at 10, before Mr. Commissioner MURPHY.*

*Matthew Traggess*, New Ratland-street, Stepney, Middlesex, baker.—*Edward Haies*, Three Kings-court, Lombard-street, London, tin-plate worker.—*John H. Hacker*, Park-place, Cowper-street, City-road, Middlesex, farrier.—*Thomas Chance*, Caledonia-street, King's-cross, Battle-bridge, Middlesex, brass turner.—*Wm. A. Rocher*, Walthamstow, Essex, assistant secretary to the Chartered Australian Land Company.—*John Robinson*, Rodney-buildings, New Kent-road, Newington, Surrey, schoolmaster.—*F. Russell*, Lewis-place, Lewisham, Kent, tobacconist.—*Elia Charles Lattes*, Ranelagh-grove, Pimlico, Middlesex, commission agent.—*Thomas Barber*, Richmond-street, East-lane, Walworth, Surrey, cheesemonger.

*Saturday, Sept. 9.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*John Watson*, North Heaton Norris, Lancashire, licensed victualler, No. 74,412 C.; *Thomas Clowes and J. Wheeler*, assignees.—*R. Boyell*, Nottingham, plumber, No. 78,230 C.; *A. H. Stanbury*, assignee.—*Thomas Griffiths*, Gloucester, retail provision dealer, No. 78,320 C.; *Benjamin Devey*, assignee.—*Aldwell C. Taylor*, Gloucester, out of business, No. 78,339 C.; *R. H. Carter*, assignee.—*G. Richardson*, Southampton, builder, No. 78,438 C.; *J. Hatch and J. T. Harris*, assignees.—*W. Ross*, Dover, Kent, gunsmith, No. 78,534 C.; *Daniel Terry*, assignee.

*Saturday, Sept. 9.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Henry Batten*, Carnaby-street, Golden-square, Middlesex, cheesemonger: in the Debtors Prison for London and Middlesex.—*Samuel Yale*, Rochester-row, South Lambeth, Surrey, out of business: in the Debtors Prison for London and Middlesex.—*Joseph Lawson*, Paynton-terrace, East India-road, Middlesex, captain, mercantile navy: in the Queen's Prison.—*Richard Laddington*, Little Portland-street, Cavendish-square, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Jane Elliott*, Orchard-place, Woolwich-road, Greenwich, Kent: in the Queen's Prison.—*W. Hancock*, Quadrant-road, Highbury, Middlesex, builder: in the Debtors Prison for London and Middlesex.—*Thomas Bowker*, York-road, Battersea, Surrey, licensed brewer: in the Gaol of Surrey.—*John Witham*, Grove-terrace, Bedford-

road, Clapham, Surrey, general agent: in the Gaol of Surrey.—*Edward Barber* the younger, New Ormond-street, Bedford-row, Middlesex, in no occupation: in the Debtors Prison for London and Middlesex.—*Wm. Woodgate*, William-street, Hampstead, Middlesex, carpenter: in the Debtors Prison for London and Middlesex.—*Jonathan Bail*, Clipstone-street, Fitzroy-square, Middlesex, cabinet maker: in the Debtors Prison for London and Middlesex.—*H. L. Fuly*, De Beauvoir-terrace, Kingsland-road, Middlesex, out of employment: in the Debtors Prison for London and Middlesex.—*J. Jowett*, Sheffield, Yorkshire, butcher: in the Gaol of York.—*B. F. Hannah*, Dover, Kent, in no trade: in the Gaol of Dover.—*James W. Hannah*, Dover, Kent, in no trade: in the Gaol of Dover.—*Wm. Bew*, Treforest, Glamorganshire, baker: in the Gaol of Cardiff.—*Wm. Taylor*, Brittonferry, Glamorganshire, butcher: in the Gaol of Cardiff.—*Richard Mason*, Hughendon, Buckinghamshire, farmer: in the Gaol of Aylesbury.—*William Edward Hughes*, Leamington, Warwickshire, in no profession: in the Gaol of Warwick.—*Thomas Carrington*, Edgbaston, near Birmingham, tool maker: in the Gaol of Coventry.—*John Attlee*, Catton, near Norwich, Norfolk, commission agent for the sale of lime: in the Gaol of Norwich.—*William Johnson*, Birmingham, die sinker: in the Gaol of Coventry.—*Joseph Garmonson*, Birmingham, carpenter: in the Gaol of Coventry.—*Hugh M'Levy*, Friargate, Preston, Lancashire, fruit dealer: in the Gaol of Lancaster.—*James Hodgkinson*, Salford, Lancashire, out of business: in the Gaol of Lancaster.—*Wm. B. Metcalf*, Horton, near Bradford, Yorkshire, architect: in the Gaol of York.—*James Cordingley*, Idle, near Bradford, Yorkshire, stonemason: in the Gaol of York.—*John Womack*, Bawtry, near Doncaster, Yorkshire, licensed retailer of beer: in the Gaol of York.—*John Lourey*, Linkenhorne, Cornwall, grocer: in the Gaol of Bodmin.—*Henry Taylor*, New Hartley, near Seaton Delaval, Northumberland, plate layer: in the Gaol of Morpeth.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Sept. 27 at 10, before the CHIEF COMMISSIONER.*

*Wm. Osborne*, Adams-row, Hampstead-road, Middlesex, butcher.—*Joseph White*, Clare-street, Clare-market, Middlesex, dealer in tobacco.

*Sept. 27 at 11, before Mr. Commissioner PHILLIPS.*

*George Glenny*, Walham-green, Fulham, Middlesex, landscape gardener.—*John Laidler*, Brett's-buildings, High-street, Camberwell, Surrey, out of business.—*D. Williams*, Wells-row, Upper-street, Islington, Middlesex, greengrocer.

*Sept. 27 at 10, before Mr. Commissioner MURPHY.*

*James L. Clarke*, Southampton-buildings, Chancery-lane, London, barrister-at-law.—*John Bacon*, Manor-street, Clapham, Surrey, cowkeeper.—*Alfred Bower*, Queen's-row, Walworth, Surrey, out of business.

*Sept. 28 at 10, before the CHIEF COMMISSIONER.*

*Philip Levison*, Cranbourne-alley, Leicester-square, Middlesex, dealer in steel pens.—*Frederick Derrick*, High-street, Fulham, Middlesex, baker.—*Henry Marshall*, Wenlock-st., City-road, Middlesex, commission traveller.—*Edward Barber* the younger, New Ormond-street, Bedford-row, Middlesex, gentleman.

*Sept. 28 at 11, before Mr. Commissioner PHILLIPS.*

*John Duller*, Woronso-terrace, St. John's-wood, Marylebone, Middlesex, builder.—*Henry Batten*, Carnaby-street, Golden-square, Middlesex, cheesemonger.—*William Peyton*, Westbourne-gardens, Kensington, Middlesex, in no business.

*Sept. 28 at 10, before Mr. Commissioner MURPHY.*

*James T. Cartwright*, Apollo-buildings, East-street, Walworth, Surrey, timber merchant.—*Jane Elliott*, sued with *John Dymoke Elliott*, Orchard-place, Woolwich-road, Greenwich, Kent, chemist.—*Samuel Yale*, Rochester-row, South Lambeth, Surrey, out of business.—*Thomas Henry Willis*, Gloucester-place, Kentish-town, Middlesex, out of business.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Staffordshire, at STAFFORD, Sept. 20 at 11.*

*Thomas Burgess*, West Bromwich, out of employment.—*James Pitt*, Darlaston, near Wednesbury, baker.

*At the County Court of Norfolk, at the Shirehall,  
NORWICH CASTLE, Sept. 29 at 10.*

*John Attlee, Catton, near Norwich, commission agent for  
the sale of lime.—Samuel Rider, Norwich, tailor.*

*At the County Court of Sussex, at LEWES, Oct. 3.*

*Thomas Guy Brown, Hove, baker.*

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Saturday, September 16, 1854.

# The Jurist

No. 924—VOL. XVIII. SEPTEMBER 23, 1854.

PRICE 1s.

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LONDON, SEPTEMBER 23, 1854.

THE 79th section of the Common-law Procedure Act (see ante, p. 319) seems to be intended to include all that class of cases which are termed, in equity, injunctions against wrongful acts of a special nature. The particular sub-divisions of the class in which the equity has been administered are, waste, copyright, patents, secret inventions, and the use of the name or trade-mark of others, nuisance, breach of contract, which includes breach of duty as between partners, and breach of parliamentary contract, that is, departure by bodies acting under parliamentary powers, from the strict limit of their powers. There are other cases falling under the general head of wrongful acts restrainable, but the above constitute the family of such cases generally, and a tolerably large family it is to be handed over, by one short section of an act, from equity to the concurrent jurisdiction of law. We say the concurrent jurisdiction, because there is nothing in the act to oust the jurisdiction of equity, and it will be still open to any party aggrieved, to lay his complaint before a Court of equity, though he may also, if he likes, lay it before a Court of law.

As we presume that, the jurisdiction being equitable  
 VOL. XVIII. K K

in its nature, the Courts of law will apply it in conformity with the general principles followed by Courts of equity, it will become necessary for common-law practitioners to inform themselves upon those principles more minutely than they will have hitherto found necessary in the acquisition of merely general professional knowledge; and we propose from time to time, if other more weighty subjects of inquiry do not prevent it, to offer a few remarks of a practical nature on this subject.

The first principle to be borne in mind in determining the application of equitable interference against acts of a wrongful nature is, that the plaintiff is expected to shew a balance of probability that he has—that is, that he will ultimately establish—a legal title. It is not because B. is doing something of which A. complains, and which he suggests is a wrong, that an injunction would be granted. A. must shew that he either has an established legal title, or that he has enjoyed it so long unmolested that a presumption is in favour of it; or that, on the face of the matters before the Court, the Court will, using that degree of knowledge of pure law, as distinguished from equity, which no accomplished equity judge can reasonably disclaim, see that the legal presumption of a legal title in the plaintiff is strong. On these principles it is that in cases of patent rights, the Court never grants an injunction at once, if the patent is of very recent creation, and the defendant disputes its validity; and that, on the contrary, it grants an injunction, even in the face of some material doubt, if the user of the patent, without challenge, has been long and uninterrupted. So it is on these principles that in copyright cases, as the jurisdiction on subjects of this nature is assumed merely for the purpose of making effectual the legal right, which cannot be made effectual by an action for damages, a Court of equity acts to make the legal right effectual,

by preventing the publication altogether; and accordingly, in the exercise of that jurisdiction, where a fair doubt appears as to the plaintiff's legal right, will always direct it to be tried, making some provision in the interim, the best that can be made, for the benefit of both parties. (See 17 Ves. 424).

Another leading principle of equity is, that as there never can be a dispute as to the right of the plaintiff to prevent the defendant from doing what the plaintiff terms a wrongful act, without the possibility, or at least without the Court being bound to assume the possibility, that the plaintiff may be himself wrong; and as the Court of equity interferes, not to decide the right, but to prevent injury to the property or right claimed pending the litigation; it looks at the circumstances of both parties, and balances the injury which may result to the defendant from the granting of an injunction, if he should in the event prove right, against that which may result to the plaintiff from withholding it, if he should in the event prove right. On this ground it is, that, as between individuals and public companies, the Court has frequently granted or refused an injunction, where, upon the principle first enunciated, strictly followed, it would probably have done quite the reverse of what it has done. Thus is explained the case of *The Attorney-General v. The Corporation of Liverpool*, (1 My. & C. 171). In that case there was a strong equity for an injunction, the Legislature having fastened on property a trust to come into operation at a future day, and the defendants seeking to deal with the property as if they were absolute owners. There was some doubt whether the particular acts sought to be done were or not within the act of Parliament; but that doubt would, according to the general principle, certainly not have prevented an injunction; but the acts intended would not, it appeared, have done any substantial injury to the property; and if they were not done within a given time, they could not be done at all. The result was, that if the defendants were right, and they were prevented from doing the acts intended, they lost their right wholly; while, if the plaintiffs were right, they suffered no substantial infraction of their rights by the doing of the acts; and the Court, therefore, refused an injunction.

On the same principle it is that the Court of Chancery has always, especially of late years, been very cautious in granting injunctions in matters of patent right. Because if the defendant is wrong, being put to keep an account, the plaintiff can, in general, be recouped for the loss he may have sustained; whereas, if the defendant is right, then by being enjoined, not only he may lose entirely his position and opportunity, but he must lose a considerable portion of his trade. But for the very same reason, if the invention affects a trade in which it is very difficult for the plaintiff to have the benefit of a substantial account, the Court will lean more strongly to an injunction, pending the trial of the legal right.

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed Francis James Coleridge, of Ottery St. Mary, Devonshire, Gent., to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the county of Devon.

## PUBLIC GENERAL STATUTES.

17 &amp; 18 VICTORIA.—SESSION 2.

(Continued from p. 332).

## CAP. LI.

An Act to confirm certain Provisional Orders made under an Act of the fifteenth Year of her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts, and to make certain Provisions respecting Exemptions from Tolls. [31st July, 1854.]

## CAP. LII.

An Act to continue an Act for authorising the Application of Highway-rates to Turnpike Roads. [31st July, 1854.]

## CAP. LIII.

An Act to confirm Provisional Orders of the General Board of Health for the Districts of Plymouth, Haworth, Aberdeen, Bishop Auckland, Willenhall, and Over Darwen. [31st July, 1854.]

## CAP. LIV.

An Act to guarantee the Liquidation of a Loan or Loans for the Service of the Colony of Jamaica. [31st July, 1854.]

## CAP. LV.

An Act for the Registration of Bills of Sale in Ireland. [31st July, 1854.]

## CAP. LVI.

An Act to make further Provisions in relation to certain Friendly Societies. [31st July, 1854.]

- Sect. 1. *Act to apply only to certain Societies.*  
 2. *Acts and Parts of Acts now affecting such Societies to continue in force, except as after provided.*  
 3. *No Exemption from Stamp Duties to exist as to Societies affected by this Act. Such Societies not to assure in favour of Nominees.*  
 4. *Societies affected by this Act may effect the Objects allowed by their Rules, and other legal Assurances.*  
 5. *Provision for the Investment of the Funds of Societies affected by this Act.*  
 6. *Power for Judge or Court to enforce the Attendance of Witnesses before Arbitrators.*  
 7. *Power to purchase and hold Buildings for Office of Society.*  
 8. *Trustees of Friendly Societies not to invest Funds in Savings Banks, &c.*  
 9. *Short Title.*  
 10. *Extent of Act.*

Whereas certain friendly societies were established and inrolled under the acts passed in the 10 Geo. 4, c. 56, and the 4 & 5 Will. 4, c. 40, relating to friendly societies, or under one of them; and whereas the scope and operation of friendly societies since the passing of the said acts have been limited by law in respect to the amount for which policies of assurance payable on the death of members of such societies may be granted; but some of the said societies, established as aforesaid, and which grant or effect policies of assurance payable on death, have not been so limited, and such last-mentioned societies have therefore been excluded the benefit of certain provisions and privileges made for and granted to friendly societies in respect to exemption from stamp duties and otherwise; and it is desirable that there should be special provisions made with respect to such of the said societies so excepted and excluded as aforesaid: be it therefore enacted &c. as follows:—

Sect. 1. This act shall relate to and include such of the said societies only as grant and effect policies of assurance payable at death exceeding the sum of 1000*l.*; and from and after the passing of this act the said societies shall cease to be friendly societies, and shall not be affected by the provisions of any act passed in the present or any future session of Parliament relating to friendly societies, unless therein expressly named.

2. The several provisions contained in the acts relating to friendly societies which were wholly or in part in force on the first day of this present session of Parliament with respect to

the societies intended to be affected and provided for by this act, save and except the 37th and 51st sections of the act of the 13 & 14 Vict. c. 115, shall, so far as they now affect such societies, remain and be in force and unrepealed with respect to the said societies, except as is hereinafter provided.

3. No exemption from any of the duties granted by any act or acts relating to stamp duties shall, from and after the passing of this act, extend or be construed to extend to any of the societies intended to be affected and provided for by this act; and it shall not be lawful for such societies, after the passing of this act, to assure the payment of any money on the death of any member or person whomsoever to any nominee of such member or person, but only to the person or persons effecting and contracting for any assurance with the said societies respectively, or to his, her, or their executors, administrators, or assigns.

4. The societies intended to be affected and provided for by this act may carry on, transact, and effect all the business and purposes which have been from time to time and are duly specified in and allowed by the enrolled or certified rules of the said societies respectively, and also may grant, make, or effect all such assurances on lives, survivorships, contingencies, and events dependent on or connected with life or otherwise as may by law be made or effected, and may make such new rules or alterations in rules as shall not be repugnant to law, without being required to submit the same to the Registrar of Friendly Societies, and shall not be required to transmit to such registrar any statement or return of sickness or mortality or of assets or liabilities.

5. The trustees of the several societies intended to be affected and provided for by this act may from time to time lay out and invest the funds of such societies, as well in the manner and upon the stocks, funds, and securities which are now authorised by law with regard to such societies, as also in or upon Exchequer bonds and bills, and any stocks, funds, or securities guaranteed by the Government of Great Britain, and bonds of the city of London, or on mortgage, or in the purchase of any reversionary, contingent, or other estate or interest in any freehold, leasehold, or copyhold property in Great Britain or Ireland, or of any such estate or interest, in any of the stocks, funds, or securities hereinbefore mentioned and referred to respectively, or of any such estate or interest in any sum or sums of money secured upon any such real and personal estate as aforesaid, or upon the security of any rates, tolls, duties, assessments, bonds, stocks, debentures, or other securities of any persons, body, or company authorised by act of Parliament, charter, or otherwise to be raised, levied, or mortgaged, and also upon security of any life policy or policies, although the amount of the loan may exceed the then present value thereof, provided the premiums on such policy or policies and the interest of the loan be collaterally secured by or upon some of the securities hereinbefore mentioned, and shall and may from time to time vary and transpose the said securities so purchased, and sell the same respectively.

6. All powers and provisions of any act or acts of Parliament for ordering and enforcing the attendance of witnesses before an arbitrator under any reference made a rule of court, and for punishing disobedience to any such order, shall apply to any arbitration of any difference or dispute under or pursuant to the rules of any of the societies intended to be affected and provided for by this act, for which purpose a copy of the resolution of the board of directors, or committee or board of management of any such society, authorising such reference, signed by the chairman, or any director, or the secretary of such society, may be made a rule of any of her Majesty's Courts at Westminster.

7. The trustees for the time being of any society intended to be affected and provided for by this act may from time to time, with the consent of the board of directors, or board or committee of management thereof, purchase, hire, or take upon lease, and adapt and furnish, any buildings for the purpose of holding the meetings and transacting the business of such society, and shall hold the same in trust for the use of such society, and may, with such consent as aforesaid, mortgage, sell, exchange, or let the same or any part thereof; and the receipt in writing of such trustees shall be a valid and legal discharge for the money arising from any such mortgage, sale, exchange, or lease, and for any other monies payable to them by virtue of this act; and no purchaser, mortgagee, lessee, assignee, or other person shall be bound to ascertain or show

whether any such consent shall have been given as aforesaid, or be answerable for the misapplication or non-application of the monies in any such receipt expressed to be received, or be bound to see to the application thereof: provided always, that any building which now belongs to any such society may be held and dealt with in the same manner as if it had been acquired under or by virtue of this act.

8. It shall not be lawful for the trustees of any friendly society coming under the provisions of this act to make any investment of the funds of such society either in a savings bank or with the Commissioners for the Reduction of the National Debt: provided always, that where the funds, or any part thereof, of any such friendly society shall be invested in a savings bank or with the said commissioners, such funds shall be withdrawn from such savings bank or from the said commissioners by the said trustees within the space of twelve months after the passing of this act, if required by the said commissioners.

9. In citing this act in other acts of Parliament, and in legal proceedings and instruments, it shall be sufficient to use the expression "The Friendly Societies Discharge Act, 1854."

10. This act shall extend to Great Britain and Ireland, and the islands of Guernsey, Jersey, and Man.

#### CAP. LVII.

An Act to amend the Law relating to the Appointment of Returning Officers in certain Cases. [31st July, 1854.]

#### CAP. LVIII.

An Act to continue certain Turnpike Acts in Great Britain, and to make further Provisions concerning Turnpike Roads in England. [31st July, 1854.]

#### CAP. LIX.

An Act to allow Verdicts on Trials by Jury in Civil Causes in Scotland to be returned, although the Jury may not be unanimous. [31st July, 1854.]

Be it enacted &c. as follows:—From and after the passing of this act, if upon the trial by jury of any civil cause in the Court of Session in Scotland the jury are unable to agree upon a verdict, and if, after having been kept in deliberation for a period of six hours, nine of the said jury shall agree, the verdict agreed to by such nine may be returned as the verdict of the jury, and shall be taken and shall have the same force and effect as if found unanimously by the whole of the said jury, any statute to the contrary notwithstanding, and during the said period they may be furnished with necessary refreshment by leave of the judge.

#### CAP. LX.

An Act to amend an Act of the twelfth and thirteenth Years of her present Majesty for the more effectual Prevention of Cruelty to Animals. [31st July, 1854.]

#### CAP. LXI.

An Act to authorise the Application of a Sum of Money out of the forfeited and unclaimed Army Prize Fund in enlarging and improving the Royal Military Asylum. [31st July, 1854.]

#### CAP. LXII.

An Act to extend the Benefits of two Acts of her Majesty relating to the Constitution, Transmission, and Extinction of Heritable Securities in Scotland. [31st July, 1854.]

#### CAP. LXIII.

An Act to continue the Poor-law Commission for Ireland. [31st July, 1854.]

#### CAP. LXIV.

An Act to amend an Act of the last Session for extending the Public Libraries Act, 1850, to Ireland and Scotland. [31st July, 1854.]

#### CAP. LXV.

An Act for further continuing certain temporary Provisions concerning Ecclesiastical Jurisdiction in England. [31st July, 1854.]



## CAP. LXVI.

An Act to continue the Exemption of Inhabitants from Liability to be rated as such in respect of Stock-in-Trade or other Property to the Relief of the Poor.

[31st July, 1854.]

## CAP. LXVII.

An Act to facilitate the Purchase of Common, Commonable, and other Rights by the Principal Officers of her Majesty's Ordnance.

[31st July, 1854.]

## CAP. LXVIII.

An Act to provide for the Application of certain Stock purchased with Monies which arose from the Sale of Part of the Land Revenues of the Crown in Ireland.

[31st July, 1854.]

## CAP. LXIX.

An Act to indemnify Local Boards of Health as regards rating for the Repair of Highways, under the Public Health Act, 1848.

[31st July, 1854.]

## CAP. LXX.

An Act to enable the Trustees of Portland Chapel, Oxford Chapel, and Welbeck Chapel, in the Parish of St. Marylebone, to augment the Salaries of the Ministers of the said Chapels.

[31st July, 1854.]

## CAP. LXXI.

An Act to amend the Law concerning the making of Borough Rates in Boroughs not within the Municipal Corporation Acts.

[31st July, 1854.]

## CAP. LXXII.

An Act to provide for Payment of the Salaries of the Sheriff and Sheriff Clerk of Chancery in Scotland.

[31st July, 1854.]

## CAP. LXXIII.

An Act to amend the Acts for the Regulation of Joint-stock Banks in Scotland.

[31st July, 1854.]

Sect. 1. *Right of Retention or Lien over Shares of Partners not to be affected.*

2. *The Company to sell Shares acquired in virtue of Right of Lien.*

3. *Provision to be made as to signing Bills and Notes.*

Whereas an act passed in the 7 & 8 Vict. [c. 113], intituled "An Act to regulate Joint-stock Banks in England;" and whereas the said act was extended to Scotland and Ireland by an act passed in the 9 & 10 Vict. [c. 75], intituled "An Act to regulate Joint-stock Banks in Scotland and Ireland;" and whereas it is expedient that the recited acts should be amended in certain of the provisions thereof, in so far as the same apply to Scotland: be it enacted &c. as follows:—

Sect. 1. No clause directed by the said acts to be inserted in the deed of partnership of any joint-stock banking company in Scotland, to be executed previous to such company being incorporated under the recited acts, shall take away or impair the right of retention or lien which, in virtue of the common law of Scotland, such company has or may be entitled to exercise over the shares of its partners, for or in respect of any debt or liability incurred or obligation undertaken by them to the company.

2. Provided, that as often as the company may, in virtue of their right of lien or retention, acquire any shares in the company's stock, they shall be bound to sell the same within six months after the same shall have been so acquired, and in such manner as is by the said first-recited act provided for the sale of forfeited shares; and the company shall be bound to account to the party or parties interested in such shares, or to their creditors, or heirs or executors, for the balance of the price or prices which may have been realised by such sale, after paying the debt due to the company, and the expenses incurred by them in securing their debt and selling the shares.

3. In such deed of partnership there shall be inserted provisions regulating the manner in which bills of exchange or promissory notes of the company may be made, accepted, or indorsed, and it shall not be necessary that such bills of ex-

change or promissory notes be signed in the manner prescribed by the first-recited act.

## CAP. LXXIV.

An Act to render Reformatory and Industrial Schools in Scotland more available for the Benefit of Vagrant Children.

[7th August, 1854.]

(To be continued).

## London Gazettes.

FRIDAY, SEPTEMBER 15.

## BANKRUPTS.

THOMAS YOUNGMAN, Pittfield-street, Hoxton, Middlesex, linendraper, dealer and chapman, Sept. 27 at half-past 2, and Oct. 18 at 2, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. G. & G. H. Clark, 28, Finsbury-place.—Petition filed Sept. 13.

WILLIAM THOMAS, Bridge-st., Blackfriars, and Noble-street, London, commission agent and boarding-house keeper, dealer and chapman, Sept. 26 at 1, and Oct. 18 at half-past 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Ashurst & Co., 6, Old Jewry.—Petition filed Sept. 5.

STEPHEN HARRIS, Kingston-upon-Thames, Surrey, ironmonger, dealer and chapman, Sept. 27 at 12, and Oct. 18 at half-past 2, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Stevens & Satchell, Queen-street, Cheapside.—Petition filed Sept. 13.

JOHN CULLEN PENFOLD, Park-terrace, Chelsea, Middlesex, oil and colour man, dealer and chapman, Sept. 26 and Oct. 25 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Moss, 86, Queen-street, Cheapside.—Petition filed Sept. 13.

ANN MARIA EDWARDS and THOMAS COOPER, Coventry (and not Birmingham, as heretofore advertised), Warwickshire, ironmongers, dealers and chapmen, Sept. 25 and Oct. 16 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Reece, Birmingham.—Petition dated Sept. 11.

WILLIAM BRAILSFORD, Nottingham, smallware dealer, Sept. 26 and Oct. 24 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sol. Wells, Nottingham.—Petition dated Sept. 6.

WILLIAM HOLBROOK, Nottingham, joiner, dealer and chapman, Sept. 26 and Oct. 24 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Buttery & Son, Nottingham.—Petition dated Sept. 12.

EBENEZER WILLIAMS, St. David's, Pembrokeshire, druggist, grocer, farmer, dealer and chapman, Sept. 26 and Oct. 24 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Leman & Humphrys, Bristol.—Petition filed Sept. 5.

HORATIO COLLIER the younger, Painswick, Gloucestershire, blanket manufacturer, Oct. 2 and 24 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Freeston, Stroud, Gloucestershire; Abbot & Lucas, Bristol.—Petition filed Sept. 14.

JOHN WILLIAM HALL, Cardiff, Glamorganshire, dealer in agricultural implements, Oct. 5 and 24 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Bevan & Girling, Bristol; Bartholomew & Randall, Gray's-inn, London.—Petition filed Sept. 6.

THOMAS HUTCHINGS, Axminster, Devonshire, nursery and seedsman, stationer and general dealer, Sept. 27 and Oct. 26 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Stogdon, Exeter.—Petition filed Sept. 13.

JOHN THORNLEY, Bolton-le-Moors, Lancashire, dyer and manufacturing chemist, dealer and chapman, Sept. 26 and Oct. 19 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sol. Marsland, Bolton, Lancashire.—Petition filed Sept. 11.

DAVID SCOTT, late of Manchester, and now of Southport, Lancashire, pork butcher, Oct. 6 and Nov. 8 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sol. Webster, Manchester.—Petition filed Sept. 12.

**THOMAS PARKER**, Southport, Lancashire, hotel keeper, Sept. 26 and Oct. 23 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Frodham, Liverpool; Johnson, Southport, Lancashire.—Petition filed Aug. 31.

## MEETINGS.

*A. Silvestre*, Argyle-street, Regent-street, Middlesex, importer of and dealer in fancy goods, Sept. 30 at 12, Court of Bankruptcy, London, and ac.—*P. G. Richardson*, Commercial-road, Limehouse, Middlesex, timber merchant, Sept. 26 at half-past 12, Court of Bankruptcy, London, and ac.—*R. Clark and John Inglis*, King's-cross, Middlesex, drapers, Sept. 27 at 12, Court of Bankruptcy, London, and ac.—*Wm. Reade and George Reade*, Hibernia-chambers, London-bridge, Southwark, Surrey, provision merchants, Sept. 26 at half-past 12, Court of Bankruptcy, London, and ac.—*J. Bowerman*, Gloucester, common brewer, Sept. 26 at 11, District Court of Bankruptcy, Bristol, and ac.—*Wm. B. George*, Gloucester, scrivener, Sept. 26 at 11, District Court of Bankruptcy, Bristol, and ac.—*Joseph Head*, Exeter, silversmith, Oct. 5 at 1, District Court of Bankruptcy, Exeter, and ac.; Oct. 12 at 1, div.—*Gowen Clifford*, Strood, Kent, builder, Oct. 7 at 11, Court of Bankruptcy, London, div.—*Stephen Thwaites*, Hastings, Sussex, grocer, Oct. 7 at 1, Court of Bankruptcy, London, div.—*John Sayer*, Sheffield, Yorkshire, draper, Oct. 7 at 12, District Court of Bankruptcy, Sheffield, div.

## CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Gowen Clifford*, Strood, Kent, builder, Oct. 7 at 11, Court of Bankruptcy, London.—*Peter P. Thoms*, Warwick-square, Newgate-street, London, printer, Oct. 7 at half-past 2, Court of Bankruptcy, London.—*Wm. T. Lambert*, Jermyn-street, St. James's, Middlesex, patent medicine vendor, Oct. 7 at 2, Court of Bankruptcy, London.—*A. R. Homereham*, Russell-street, Bermondsey, Surrey, woolstapler, Oct. 7 at 12, Court of Bankruptcy, London.—*G. Buono*, Fenchurch-st., London, merchant, Oct. 6 at half-past 1, Court of Bankruptcy, London.—*Chas. Tindal Griffiths*, Lloyd's Coffee-house, London, underwriter, Oct. 7 at 1, Court of Bankruptcy, London.—*James A. Bell*, Gread Baddow, Essex, hop merchant, Oct. 10 at 1, Court of Bankruptcy, London.—*Samuel Youds*, Birkenhead, Cheshire, joiner, Oct. 6 at 11, District Court of Bankruptcy, Liverpool.

*To be granted, unless an Appeal be duly entered.*

*John Todd Merrick*, Hereford-road, Westbourne-grove, Middlesex, builder.—*Thomas Bray*, Chelmsford, Essex, architect.—*Robert Chinery*, Withersfield, Suffolk, brewer.—*S. J. Bird*, Weston, near Bath, Somersetshire, brewer.—*James Bowerman*, Gloucester, common brewer.—*Wm. H. Turner*, Brecon, innkeeper.

## PETITION ANNULLED.

*Patrick Farrell and John Griffiths*, Broughton, Manchester, Lancashire, builders.

## SCOTCH SEQUESTRATIONS.

*Anne Machardy or Stewart*, deceased, Edinburgh.—*R. T. Miller & Co.*, Glasgow, merchants.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Edward Meade*, Othery, Somersetshire, carpenter, Sept. 21 at 10, County Court of Somersetshire, at Bridgewater.—*G. Stone*, Weston-super-Mare, Somersetshire, coal merchant, Oct. 4 at 10, County Court of Somersetshire, at Weston-super-Mare.—*Wm. Edwards*, Cefn Maur, Ruabon, Denbighshire, innkeeper, Sept. 25 at 10, County Court of Denbighshire, at Ruabon.—*W. Franklin*, Wendover, Buckinghamshire, tailor, Sept. 28 at 10, County Court of Buckinghamshire, at Aylesbury.—*Thomas Rees*, Newport, Monmouthshire, common brewer, Oct. 4 at 12, County Court of Monmouthshire, at Newport.—*J. Walford*, Witham, Essex, butcher, Oct. 3 at 12, County Court of Essex, at Maldon.—*John Girkin*, Troston, Suffolk, baker, Oct. 2 at 10, County Court of Suffolk, at Bury St. Edmund's.—*Pricilla Cooke*, widow, Birkenhead, Cheshire, milliner, Sept. 22 at 10, County Court of Cheshire, at Birkenhead.—*Wm. Wool the elder*, Godmanchester, Hun-

tingdonshire, out of business, Sept. 30 at 12, County Court of Huntingdonshire, at Huntingdon.

*County Court of Lancashire, at Lancaster. Assignees have been appointed in the following Cases:—*

*John Wilson*, Burnley, grocer, No. 78,435; *Joseph Lee*, assignee.—*Thomas Lancaster*, Liverpool, assistant to a publican, No. 78,313; *Andrew Morrison*, assignee.—*John Ramsbottom*, Accrington, manufacturer of air pumps, No. 78,550; *John Walkden and Joshua Billcliff*, assignees.—*Thos. Hanesworth*, Deansgate, Bolton-le-Moors, hatter, No. 78,356; *J. Gee*, assignee.—*Daniel Small*, Liverpool, hawker, No. 78,464; *Andrew W. Falcon*, assignee.—*Wm. Whiteley*, Colne, shoemaker, No. 78,345; *Henry Robinson*, assignee.—*John Astley*, Dunkirk, Pendleton, Salford, plumber, No. 78,465; *Thomas Blanchard*, assignee.—*John Farr*, Manchester, joiner, No. 78,482; *Thomas Smith*, assignee.—*John D. Kirk*, Haugh, near Rochdale, furniture broker, No. 78,585; *Edmund Elson Wilde*, assignee.—*John Jackson*, Salford, joiner, No. 78,479; *Thomas Smith*, assignee.—*Edward Whiteley*, Ashton-under-Lyne, provision dealer, No. 78,484; *Francis Perry*, assignee.—*Robert Fletcher*, Hulme, Manchester, licensed victualler, No. 78,328; *John Galland*, assignee.—*Isaac Housley*, Stalybridge, tong maker; No. 78,493; *John Hardy*, assignee.—*Thomas Lord*, Todmorden, out of business, No. 78,657; *George Thomas Read*, assignee.—*John Lord*, Rochdale, out of business, No. 78,658; *George Thomas Read*, assignee.—*Simeon Lord*, Burnley, out of business, No. 78,661; *George Thomas Read*, assignee.—*J. Driver*, Manchester, grocer, No. 78,671; *William Houghton*, assignee.—*Alice Clark*, Manchester, out of business, No. 77,659; *Luke Knowles*, assignee.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Merionethshire, at DOLGELLY, Sept. 27 at 11.*

*Owen Roberts*, Henshop, Penrhyndudraeth, shoemaker.

*At the County Court of Lancashire, at LANCASTER, Sept. 29 at 11.*

*William Hall*, Liverpool, wholesale druggist.—*Robt. Hall*, Radcliffe, near Bury, out of business.—*Cornelius Bell*, Liverpool, cart owner.—*George Bowers*, Salford, assistant to contractors.—*Wm. Jackson*, Manchester, carrier.—*Henry Edw. Jones*, Liverpool, wholesale druggist.—*H. M. Levy*, Preston, fruit dealer.—*Ralph Horne*, Heaton Norris, near Manchester, out of business.—*James Robinson*, Gorton-brook, near Manchester, out of business.—*James Heddtinson*, Salford, out of business.—*Joshua Kidd*, Liverpool, out of business.—*John Harwood*, Blackburn, linen-draper.—*John Wilson*, Kirkdale, near Liverpool, assistant to a steward in a steam-ship.—*Wm. Addison*, Birkenhead, Cheshire, reader in a newspaper office.—*Charles Ogden*, Manchester, brush manufacturer.—*William Senior Whisker*, Manchester, rope maker.

*At the County Court of Norfolk, at NORWICH, Sept. 29 at 10.*

*James Neal*, Hickling, postmaster.—*W. Howes*, Norwich, assistant to a grocer.

*At the County Court of Hampshire, at SOUTHAMPTON, Oct. 3.*

*Thomas Addison Gates*, Northam, builder.

*At the County Court of Oxfordshire, at OXFORD, Oct. 6 at 10.*

*Charles Griffin*, Ladbroke, Warwickshire, out of business.

*At the County Court of Warwickshire, at COVENTRY, Oct. 2 at 10.*

*William Johnson*, Birmingham, die sinker.—*Levy Kibby*, Tamworth, out of business.—*Richard Jones*, Birmingham, slipper maker.—*Joseph Garmon*, Birmingham, carpenter.—*Thomas Harrison*, Aston, out of business.

**TUESDAY, SEPTEMBER 19.**

## BANKRUPTS.

**EBENEZER HEATH**, Bridge-house-place, Newington-causeway, Surrey, leather and shoe mercer, Sept. 27 at 2, and Oct. 25 at half-past 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Watts, Bermondsey-street.—Petition filed Sept. 12.

**JOHN CLARKE**, New Cavendish-street, Portland-place, and Upper Marylebone-street, Middlesex, surgeon and apothecary, dealer and chapman, Sept. 26 at 11, and Oct. 25 at 2, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Abrahams, 23, Southampton-buildings, Chancery-lane.—Petition filed Sept. 8.

**ELIZA MARY AGER**, late of Hill-street, Walworth, and now of Victoria-terrace, Kennington, Surrey, baker, dealer and chapwoman, Sept. 26 at half-past 1, and Oct. 25 at 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Lawrance & Co., 14, Old Jewry-chambers.—Petition filed Sept. 16.

**HENRY JOHN STEUART**, Jermyn-street, Middlesex, hotel and tavern keeper, dealer and chapman, Sept. 27 at 1, and Oct. 25 at 2, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Jaquet, 9, Clifford's-inn, Fleet-street.—Petition filed Sept. 13.

**WILLIAM CROLE** the younger, Rood-lane, London, East India merchant, dealer and chapman, Sept. 26 at half-past 1, and Oct. 25 at half-past 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Lawrance & Co., 14, Old Jewry-chambers.—Petition filed Sept. 15.

**WILLIAM ROLLASON** the younger, Birmingham, tin-plate worker, Sept. 29 and Oct. 26 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Hawkes, Birmingham.—Petition dated Sept. 15.

**CHARLES DOODY**, Stoke-upon-Trent, Staffordshire, tailor, draper, dealer and chapman, Oct. 2 and 23 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Motteram & Knight, Birmingham; Gammon & Lepard, 9, Cloak-lane, City, London.—Petition dated Sept. 13.

**JOHN MOATS** the elder, Spalding, Lincolnshire, coal merchant and wharfinger, Oct. 3 and 24 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Maples, Spalding; Motteram & Knight, Birmingham.—Petition dated Sept. 16.

**GEORGE GILLATT**, Barnaley, Yorkshire, confectioner, dealer and chapman, Sept. 29 and Oct. 27 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Tyas & Harrison, Barnaley; Bond & Barwick, Leeds.—Petition dated Aug. 31.

**JOHN SWALES**, Openshaw, Lancashire, ironmonger and builder, Oct. 9 and Nov. 8 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sol. Slater, Manchester.—Petition filed Sept. 15.

#### MEETINGS.

*Richard Clark and John Inglis*, King's-cross, Middlesex, drapers, Sept. 27 at 12, Court of Bankruptcy, London, last ex.—*John Milligan*, Chorlton-upon-Medlock, Manchester, draper, Oct. 5 at 12, District Court of Bankruptcy, Manchester, last ex.—*Thos. Robinson*, Hexham, Northumberland, currier, Oct. 5 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.; at 12, and ac.—*Charles Edw. Mallam*, Tunbridge Wells, Kent, innkeeper, Oct. 2 at 11, Court of Bankruptcy, London, and ac.—*Stephen Thwaites*, Hastings, Sussex, grocer, Oct. 2 at 11, Court of Bankruptcy, London, and ac.—*John T. Merriek*, Hereford-road, Westbourne-grove, Middlesex, builder, Oct. 2 at 12, Court of Bankruptcy, London, and ac.—*Thomas Long*, London-road, Southwark, Surrey, horse dealer, Oct. 2 at 11, Court of Bankruptcy, London, and ac.—*Frederick S. Robinson*, Bloomsbury-square, Middlesex, dealer in patent medicines, Oct. 2 at 11, Court of Bankruptcy, London, and ac.—*Wm. H. Turner*, Brecon, innkeeper, Oct. 10 at 11, District Court of Bankruptcy, Bristol, and ac.; Oct. 12 at 11, div.—*Stephen Troiman*, Chipping Sodbury, Gloucestershire, corn dealer, Oct. 5 at 11, District Court of Bankruptcy, Bristol, and ac.; Oct. 12 at 11, div.—*W. Fowler*, Abergavenny, Monmouthshire, grocer, Oct. 5 at 11, District Court of Bankruptcy, Bristol, and ac.; Oct. 12 at 11, div.—*Robert Walker*, Stalybridge, Lancashire, grocer, Oct. 2 at 12, District Court of Bankruptcy, Manchester, and ac.; Oct. 13 at 12, div.—*J. E. Watkinson*, Halifax, Yorkshire, grocer, Sept. 28 at 11, District Court of Bankruptcy, Leeds, and ac.—*Michael Robinson*, Halifax, Yorkshire, linendraper, Sept. 28 at 11, District Court of Bankruptcy, Leeds, and ac.—*Joseph M'Lintock*, Barnaley, Yorkshire, linen manufacturer, Sept. 28 at 11, District Court of Bankruptcy, Leeds, and ac.—*H. Swire*, Skipton, and *John Lockwood*, Shipley, Yorkshire, worsted manufacturers,

Nov. 6 at 11, District Court of Bankruptcy, Leeds, and ac. joint est., and aud. ac. sep. est. of *Henry Swire*; at 12, div. sep. est. of *Henry Swire*.—*A. R. Homersham*, Russell-street, Bermondsey, Surrey, woolstapler, Oct. 10 at 11, Court of Bankruptcy, London, div.—*Samuel D. Pratt*, New Bond-street, Middlesex, upholsterer, Oct. 10 at 1, Court of Bankruptcy, London, div.—*H. P. Baldwin*, Ironbridge, Shropshire, druggist, Nov. 6 at 10, District Court of Bankruptcy, Birmingham, and ac.; Nov. 8 at 10, div.—*Thomas Addins*, Bedworth, Warwickshire, grocer, Nov. 6 at 10, District Court of Bankruptcy, Birmingham, and ac.; Nov. 8 at 10, div.—*Joseph Cundell*, Sheffield, Yorkshire, carpenter, Oct. 14 at 12, District Court of Bankruptcy, Sheffield, div.—*W. W. Foote*, Sheffield, Yorkshire, sharebroker, Oct. 14 at 12, District Court of Bankruptcy, Sheffield, div.—*Joseph Flint*, Sheffield, Yorkshire, shoe manufacturer, Oct. 14 at 12, District Court of Bankruptcy, Sheffield, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Robert Mott*, King's Lynn, Norfolk, builder, Oct. 10 at 11, Court of Bankruptcy, London.—*Robert Brown and John Burnham*, Potton, Bedfordshire, common brewers, Oct. 10 at half-past 11, Court of Bankruptcy, London.—*George Wm. Merington*, Edgeware-road, Middlesex, draper, Oct. 10 at half-past 11, Court of Bankruptcy, London.—*Désiré Leblond*, Southwark-bridge-road, Surrey, hat manufacturer, Oct. 10 at 12, Court of Bankruptcy, London.—*W. Ackland*, Salisbury-street, Lisson-grove, and *Frederick Goodwin*, High-street, Portland-town, Middlesex, linendrapers, Oct. 10 at half-past 12, Court of Bankruptcy, London.—*Anthony Atkinson*, Newcastle-upon-Tyne, sharebroker, Oct. 17 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Robert Kirkpatrick*, Manchester, builder, Oct. 11 at 12, District Court of Bankruptcy, Manchester.—*H. Swire*, Skipton, Yorkshire, worsted manufacturer, Nov. 6 at 12, District Court of Bankruptcy, Leeds.—*William Armstrong and William Oldroyd Hankey*, Shrewsbury, drapers, Oct. 12 at 10, District Court of Bankruptcy, Birmingham.—*Charles Leake*, Crowland, Lincolnshire, grocer, Oct. 10 at 10, District Court of Bankruptcy, Nottingham.

*To be granted, unless an Appeal be duly entered.*

*Robert Kemp Philp and Richard Perkins Appleford*, Fleet-street, London, booksellers.—*James Triggs, William Triggs, and Edward Triggs*, Southampton, cabinet makers.—*Charles White*, Watford, Hertfordshire, cattle dealer.—*James Purdy and Wm. Thomas Purdy*, King's Lynn, Norfolk, builders.—*Thomas Clark*, Croydon, Surrey; *Furnival's-inn*, Holborn, London; and *Marlboro'-road*, St. John's-wood, Middlesex, licensed victualler.—*Richard Stringer*, Harefield, near Uxbridge, Middlesex, draper.—*Thos. Nicolls Vosper*, Launceston, Cornwall, draper.—*Thomas Squire*, Grosvenor-mews, Bond-street, Middlesex, coach builder.—*Jas. Acomb*, Blackburn, Lancashire, and York, draper.—*Jas. Pollitt* the younger, Manchester, packer.—*A. Moses Marbe*, Birmingham, manufacturing chemist.

#### FIAT ANNULLED.

*James Bragg*, St. James's-wharf, Bermondsey-wall, Bermondsey, Surrey, lime merchant.

#### PETITION ANNULLED.

*William Dundas*, Celbridge-place, Westbourne Park-road, Paddington, Middlesex, house decorator.

#### SCOTCH SEQUESTRATIONS.

*J. & P. Boag*, Leith, wool dealers.—*Stewart Murray Fullerton Blair*, Glasgow, agent.—*George Bush*, Glasgow, warehouseman.—*Barclay & Kennedy*, Glasgow, plumbers.—*Jas. B. Barclay & Co.*, Glasgow, slaters.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Alexander Craig*, Liverpool, drapers' assistant, Sept. 25 at 10, County Court of Lancashire, at Liverpool.—*George Cox*, Brighton, Sussex, butcher, Sept. 23 at 10, County Court of Sussex, at Brighton.—*John Geo. Barker*, Norwich, lodging-house, keeper, Sept. 30 at 10, County Court of Norfolk, at Norwich.—*John Edward Moon*, Norwich, grocer, Sept. 30

at 10, County Court of Norfolk, at Norwich.—*John Gasley* the younger, King's Lynn, Norfolk, tailor, Oct. 4 at 3, County Court of Norfolk, at King's Lynn.—*Thomas Hipkin Leader*, King's Lynn, Norfolk, policeman, Oct. 4 at 3, County Court of Norfolk, at King's Lynn.—*John Fraser Simpson*, Byfleet, Surrey, schoolmaster, Oct. 11 at 1, County Court of Surrey, at Chertsey.—*Samuel Payer*, Salford, Lancashire, grocer, Oct. 10 at 10, County Court of Lancashire, at Salford.—*Alfred Rutter*, Bury St. Edmunds, Suffolk, baker, Oct. 2 at 10, County Court of Suffolk, at Bury St. Edmunds.—*James H. Bessey*, Norwich, coal merchant, Sept. 30 at 10, County Court of Norfolk, at Norwich.—*Henry Plodge*, West Malling, Kent, butcher, Oct. 3 at 12, County Court of Kent, at Maidstone.—*Jesse Barton*, Maidstone, Kent, printer, Oct. 3 at 12, County Court of Kent, at Maidstone.—*Charles Angel*, Chichester, Sussex, bookbinder, Sept. 27 at 11, County Court of Sussex, at Chichester.—*William Meaden* the younger, Felp-ham, Sussex, retailer of beer, Sept. 27 at 11, County Court of Sussex, at Chichester.—*Jeremiah Ward*, Sheffield, Yorkshire, spring-knife manufacturer, Oct. 4 at 12, County Court of Yorkshire, at Sheffield.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Nov. 15 at 10, before the CHIEF COMMISSIONER.*

*George Rumbol*, Chester-street, Lower Kennington-lane, Lambeth, Surrey, oven builder.—*Francis B. Dalton*, Leather-lane, Holborn, Middlesex, surgeon.—*Wm. Baldock Edridge*, Porters-road, Paddington, Middlesex, clerk to the Great Western Railway Company.—*C. Miller Stedman*, Prospect-row, Walworth, Surrey, baker.—*Jabez Whitehead*, Croydon, Surrey, wood cutter.—*Robert Daniel Rogers*, East-st., Walworth, Surrey, zinc worker.—*Robert Ash Bears*, Salisbury-terrace, William-street, Caledonian-road, Islington, Middlesex, tailor.

*Saturday, Sept. 16.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Thomas Wainwright*, Nottingham, tailor, No. 78,086 C.; *John Stott* and *Edward Kershaw Holroyd*, assignees.—*Abraham Holmes*, Manningham, near Bradford, Yorkshire, draper, No. 78,269 C.; *Joseph Greenwood*, assignee.—*Jas. Huine*, Macclesfield, Cheshire, out of business, No. 78,294 C.; *John Wood Smith*, assignee.—*Thos. Lancaster*, Liverpool, assistant to a publican, No. 78,313 C.; *Andrew Morrison*, assignee.—*John Astley*, Dunkirk, Pendleton, Salford, Lancashire, out of business, No. 78,465 C.; *Thomas Blanchard*, assignee.—*John Bower*, Laister Dyke, near Bradford, Yorkshire, commission weaver, No. 78,558 C.; *Thomas Anderson Hanson*, assignee.—*Thos. Waddilove*, Little Horton, near Bradford, Yorkshire, out of business, No. 78,595 C.; *James Forrest*, assignee.

*Saturday, Sept. 16.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Wm. Turner*, King-st., Regent-st., Middlesex, licensed victualler: in the Debtors Prison for London and Middlesex.—*Chas. Wright*, William-terrace, South Lambeth, Surrey, out of business: in the Gaol of Surrey.—*Samuel Lewisohn*, Tewkesbury-buildings, Whitechapel, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—*C. Carruthers*, York-road, Lambeth, Surrey, surgeon: in the Gaol of Surrey.—*Samuel Seaborn*, Upper Berkeley-street, Portman-square, Middlesex, college servant: in the Debtors Prison for London and Middlesex.—*James Shirley Hibberd*, Hemus-terrace, King's-road, Chelsea, Middlesex, secretary to a building society: in the Debtors Prison for London and Middlesex.—*J. Wm. Dunne*, Suffolk-place, Pall-mall, Middlesex, gentleman: in the Queen's Prison.—*George Rogers*, Woodbine-cottage, Whetstone, Middlesex, out of employment: in the Debtors Prison for London and Middlesex.—*George Clements*, Waterloo-street, Limehouse, Middlesex, out of business: in the

Debtors Prison for London and Middlesex.—*Joseph Barltlett* the elder, York-place, Hackney-road, Middlesex, milkman: in the Debtors Prison for London and Middlesex.—*Samuel Pearson*, Stump-cross, Morley, near Leeds, Yorkshire, woollen cloth manufacturer: in the Gaol of York.—*Robert Hall*, Radcliffe, near Bury, Lancashire, out of business: in the Gaol of Lancaster.—*Frederick Graham*, Liverpool, cook: in the Gaol of Lancaster.—*William Senior Whisker*, Manchester, rope maker: in the Gaol of Lancaster.—*Charles Oydin*, Manchester, brush manufacturer: in the Gaol of Lancaster.—*Wm. Addison*, Rock Ferry, near Birkenhead, Cheshire, reader in a newspaper office: in the Gaol of Lancaster.—*Wm. Walker*, Waterloo, near Ashton-under-Lyne, Lancashire, farmer: in the Gaol of Lancaster.—*J. Neal*, Hickling, Norfolk, postmaster: in the Gaol of Norwich.—*Levi Kibby*, Tamworth, Warwickshire, out of business: in the Gaol of Coventry.—*Edward Hilton*, Manchester, out of business: in the Gaol of Lancaster.—*Ralph Horne*, Heaton Norris, near Manchester, out of business: in the Gaol of Lancaster.—*George Dannel Robinson*, Manchester, coach builder: in the Gaol of Lancaster.—*Lawrence Harrison*, Blackburn, Lancashire, beerseller: in the Gaol of Lancaster.—*Cornelius Bell*, Liverpool, cart owner: in the Gaol of Lancaster.—*Alex. Murray*, Chorlton-upon-Medlock, Manchester, out of business: in the Gaol of Lancaster.—*John Robinson*, Prestwich, near Manchester, out of business: in the Gaol of Lancaster.—*Henry Edw. Jones*, Liverpool, wholesale druggist: in the Gaol of Lancaster.—*William Hall*, Liverpool, wholesale druggist: in the Gaol of Lancaster.—*George Bowers*, Salford, Lancashire, assistant to contractors: in the Gaol of Lancaster.—*Joshua Kidd*, Liverpool, ship-store dealer: in the Gaol of Lancaster.—*Thomas Greenwood*, Sowerby, near Halifax, Yorkshire, woollen-cloth manufacturer: in the Gaol of York.—*John Milner*, Leeds, Yorkshire, butcher: in the Gaol of York.—*J. Moss*, Preston, Lancashire, tailor: in the Gaol of Lancaster.—*Wm. Partington*, Manchester, baker: in the Gaol of Lancaster.—*Thomas Harrison*, Aston, Warwickshire, out of business: in the Gaol of Coventry.—*A. Carrick*, Carmarthen, travelling draper: in the Gaol of Carmarthen.—*Charles Parsons*, Cleveys Yatton, Somersetshire, lime burner: in the Gaol of Wilton.—*Theophilus Frampton*, Somerton, Somersetshire, out of business: in the Gaol of Wilton.—*George Mears*, Dover, Kent, licensed victualler: in the Gaol of Dover.—*James Pickard*, York, out of business: in the Gaol of York.—*Alexander Glen Finlaison*, Dover, Kent, actuary of the National Debt Office: in the Gaol of Dover.—*Thomas Parmer*, Bristol, in no business: in the Gaol of Bristol.—*Thos. Walker*, Wootton, near Barton-upon-Humber, Lincolnshire, blacksmith: in the Gaol of Lincoln.—*John Julius Saunders*, Coventry, Warwickshire, out of business: in the Gaol of Coventry.—*Samuel Mottram*, Tamworth, Staffordshire, out of business: in the Gaol of Coventry.—*Hyman Gerson*, Sunderland, Durham, out of business: in the Gaol of Durham.—*Wm. Alex. Holmes*, Ipswich, Suffolk, clerk in the Ordnance Office, Tower of London: in the Gaol of Ipswich.—*Thos. Millership*, Dudley, Worcestershire, mine agent: in the Gaol of Coventry.—*Wm. Piscoombe*, Twitchin, Devonshire, out of business: in the Gaol of St. Thomas-the-Apostle.—*Alex. W. Geo. Smart*, Liverpool, out of employment: in the Gaol of Lancaster.—*Michael Hall*, Chesilbourne, Dorsetshire, out of business: in the Gaol of Dorchester.—*Joseph Pennill*, Manchester, dealer in ale: in the Gaol of Lancaster.—*Samuel Eldale Molson Rayment*, Boston, Lincolnshire, out of business: in the Gaol of Lincoln.—*Joseph Tyler*, Croft's-end, St. George's, near Bristol, Gloucestershire, market gardener: in the Gaol of Gloucester.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Dorsetshire, at DORCHESTER, Oct. 3 at 10.*

*Michael Hall*, Chesilbourne, out of business.

*At the County Court of Cornwall, at BODMIN, Oct. 4 at 10.*

*John Lowrey*, Linkinhorne, grocer.

*At the County Court of Kent, at DOVER, Oct. 25 at 11.*

*George Mears*, Dover, licensed victualler.—*Alexander Glen Finlaison*, Dover, actuary of the National Debt Office, Old Jewry, London.

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# The Jurist

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LONDON, SEPTEMBER 30, 1854.

In continuing our review of the statutes of practical importance passed during the last session, we come to one for the suppression of *gaming-houses*, (17 & 18 Vict. c. 38), which has been in force since the 1st August last. Owing to the dexterity with which the implements of gaming were disposed of before the police could enter the room, the former law, requiring that they should be found on the premises, had become a dead letter, and it is consequently now enacted that any person who wilfully obstructs or endeavours to obstruct the entrance of an officer authorised to enter gaming-houses shall be liable to a penalty not exceeding 100*l.*, or to imprisonment for six months; and if such officer be obstructed, or the means of obstruction, or the instruments of gaming, or means for concealing or destroying the same, be found on the premises, it shall be *prima facie* evidence of the place being a common gaming-house, and of the persons found there having been unlawfully playing. (Sects. 1, 2). Any person found therein refusing to give his name and address, or giving a false one, is liable to a penalty not exceeding 50*l.*, or a month's imprisonment. (Sect. 3). The owner, occupier, or keeper of the place using it for the purpose of unlawful gaming, or knowing it to be so used, or advancing money for such purpose, may,

on conviction before two justices, be adjudged to pay a penalty not exceeding 500*l.*, or to be imprisoned for twelve months, with or without hard labour. (Sect. 4). The wording of this and other sections shews how carefully the Legislature have to deal with the class of persons against whom the act is directed, so as to prevent escape from its provisions. In furtherance of the object of the act, persons found in a place entered under a warrant or order (granted by virtue of the 8 & 9 Vict. c. 109) may be required to be examined on oath touching unlawful gaming in the house, or obstructing the entry of the officers, and shall not be excused from answering on the ground that their evidence may criminate themselves, and may be committed for contempt if they will not be sworn or answer. If, however, they make a true and faithful discovery, to the best of their knowledge, they are to receive a certificate to that effect, which will indemnify them against proceedings. (Sect. 6). The remaining sections (sects. 7—15) relate to the mode of enforcing and appropriating the penalties, the substitution of an informer (if necessary) for the one who laid the information, the giving an appeal, the taking away of the certiorari, and the protection of persons acting under the act.

*Ecclesiastical Courts*, (17 & 18 Vict. c. 47).—Witnesses may be summoned and examined herein *viva voce* as well as by deposition, and notes of such evidence shall be taken down in writing by some officer of the court or person directed by the court to do so.

*Admiralty Courts*.—It was lately decided in *Reg. v. Stone* (17 Jur., part 1, p. 1106) that commissioners to administer oaths in Chancery had no power to administer oaths in the High Court of Admiralty, although it had long been the practice to do so, and therefore that perjury could not be assigned on an oath so taken. This is now altered, and further provision is made for the taking of oaths in that court. (17 & 18 Vict. c. 78, ss. 3—12). The remaining sections (sects.

13—23) relate to the procedure in the court, and to the payment of fees by stamps.

*Friendly Societies* are again legislated for by two statutes, (17 & 18 Vict. c. 58, 101). The former relates only to such as grant policies of assurance payable at death for sums exceeding 1000*l.*, which are no longer to be friendly societies, nor to be affected by acts passed in the last or in future sessions relating thereto. No exemption from stamp duties is to extend to such societies, and they are not to assure in favour of nominees, but only of the person assuring, or his executors, administrators, or assigns; but they may effect the objects allowed by their rules, and all legal assurances. Provision is made for the investment of the funds of such societies, but they are not to invest in savings banks, or with the Commissioners for the Reduction of the National Debt; they may purchase and hold buildings for offices; the attendance of witnesses before arbitrators under their rules may be enforced. The act is to extend to Great Britain and Ireland, and the islands of Guernsey, Jersey, and Man, and may be cited as "The Friendly Societies Discharge Act, 1854." (Sects. 1—10).

The second act merely continues stat. 13 & 14 Vict. c. 115, and enacts, that all transcripts of the rules of friendly societies, now filed with the rolls of the sessions of the peace, shall be taken off the file and sent to the registrars, who shall keep the same, as directed by one of the Secretaries of State.

*Parliament.*—Sheriffs of counties are to be *returning officers* for parliamentary electors in boroughs situate in such counties where the office of returning officer is vacant. (17 & 18 Vict. c. 57).

The laws relating to *bribery*, *treating*, and *undue influence* at parliamentary elections are consolidated and amended by the 17 & 18 Vict. c. 102, which, however, is to be in force only for one year. (Sect. 39). By this act, bribery, treating, and undue influence are defined, and their penal consequences declared. Payments made by a candidate or his agent for cockades, ribbons, or other mark of distinction, or for chairing, bands of music, or flags or banners, at an election, are declared to be illegal. (Sects. 1—7). Voters are not compellable to serve as special constables at elections. (Sect. 8). No indictment for bribery or undue influence is to be tried at quarter sessions. (Sect. 10). Auditors of election expenses are to be annually appointed. Persons having claims on a candidate in respect of elections must send in their bills to such candidates or their agents within a month from the day of the declaration of the election, otherwise their claims are to be barred. In case of the death of the creditor the time is extended. The bills are to be sent by the candidates to the election auditor, through whom payment is to be made, and who is to publish an abstract of the accounts in some newspaper of the county or borough. The candidate, however, may pay his own personal expenses, and the expenses of advertising. No refreshment, or money or ticket to obtain it, is to be given to any voter, by the candidates or their agents, on the day of nomination or day of polling, under a penalty of 2*l.* for each offence. Before the nomination each candidate is to give to the election auditor in writing the names of his agents, who alone are to have authority to expend money or incur expenses on his behalf. Among the acts repealed is stat. 7 & 8 Geo. 4, c. 37, which disqualified persons employed at an election, as counsel, attorney, agent, or in any other capacity, from voting. (Sects. 15—34).

The prevention of *cruelty to animals* is sought to be rendered more effectual by the stat. 17 & 18 Vict. c. 60, whereby every person impounding or confining any animal, and supplying it with food and water, may recover from the owner not exceeding double the value of such food and water, or after seven clear days may

sell the animal openly at any public market (after three days' public printed notice thereof) for the best price, and pay himself the expenses of the sale out of the proceeds, rendering the surplus (if any) to the owner. (Sect. 1). No person after the 1st January, 1855, is to use any dog for the purpose of drawing a cart, carriage, truck, or barrow on any public highway in any part of the United Kingdom, under a penalty of 40*s.* "Animal" is to mean any domestic animal, whether a quadruped or not. (Sects. 2, 3).

## PUBLIC GENERAL STATUTES.

17 & 18 VICTORIA.—SESSION 2.

(Continued from p. 340).

### CAP. LXXV.

An Act to remove Doubts concerning the due Acknowledgment of Deeds by Married Women in certain Cases.

[7th August, 1854.]

- Sect. 1. *Acknowledgment of Deed not impeachable by reason only of Party before whom same was taken being interested.*
2. *Staying Proceedings for quashing Certificate of Acknowledgment.*
3. *Court of Common Pleas may make Rules for preventing Commissioners who are interested from taking Acknowledgments.*

Whereas by the act passed in the session of Parliament holden in the 3 & 4 Will. 4, c. 74, "for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance," it is provided that every deed to be executed by a married woman for any of the purposes thereof, except such as may be executed by her in the character of protector, for the sole purpose of giving her consent to the disposition of a tenant in tail, shall, upon her executing the same or afterwards, be produced and acknowledged by her as her act and deed before a judge of one of the superior courts at Westminster, or a master in Chancery, or before two of the perpetual commissioners, or two special commissioners to be respectively appointed as therein provided, and a certificate of the taking of such acknowledgment is thereby directed to be lodged with some officer of the Court of Common Pleas at Westminster, who is directed, after satisfying himself that the requisitions of the said act have been complied with in manner therein mentioned, to cause the said certificate to be filed of record in the said Court of Common Pleas: and whereas it is apprehended that deeds executed by married women under the provisions of the said act may be liable to be invalidated by the circumstance that the judge, or master in Chancery, or one or both of the commissioners, taking the acknowledgment, may be or may have been interested or concerned, either as a party or otherwise, in the transaction giving occasion for such acknowledgment, and it is not expedient that deeds executed in good faith under such circumstances should be invalidated: he it therefore enacted &c. as follows:—

Sect. 1. No deed which has been acknowledged or which shall hereafter be acknowledged by a married woman before a judge of one of the superior courts of Westminster, or a master in Chancery, or before two of the perpetual commissioners, or two special commissioners appointed as by the said act is required, shall be impeached or impeachable, at any time after the certificate of such acknowledgment has been filed of record in the Court of Common Pleas at Westminster, by reason only that such judge, or master in Chancery, or such commissioner, or either of them, was or were interested or concerned, either as a party or parties, or as attorney or solicitor, or clerk to the attorney or solicitor of one of the parties, or otherwise, in the transaction giving occasion for such acknowledgment.

2. Provided, that if any proceeding instituted before the 13th July, 1854, in the said Court of Common Pleas, for the purpose of quashing, or taking off the file of records of the said court, any certificate of an acknowledgment of a deed by a married woman, on the ground that such judge, or master in Chancery, or either of such commissioners, was interested or concerned as aforesaid, shall be pending at the passing of this act, it shall be lawful for the said Court to proceed with and dispose of the same as if this act had not passed, except that



If the said Court shall be satisfied that any person or persons acting *bonâ fide* has or have been induced by the terms of the orders made by the said Court in Hilary Term, 1834, to acknowledge, or to accept a title depending on the acknowledgment of, any deed or deeds before commissioners, one of whom may have been interested or concerned as aforesaid, the said Court may refuse to permit the certificate to be quashed or taken off the file, on such terms as to the payment of costs and expenses as the said Court shall think fit to make.

3. The Court of Common Pleas may from time to time make any rules which to them may seem fit for preventing any commissioners interested or concerned as aforesaid from taking any acknowledgment under the said recited act, anything herein contained to the contrary notwithstanding, so nevertheless that no such rule shall make invalid any acknowledgment after the certificate shall have been filed of record as aforesaid.

## CAP. LXXVI.

An Act for the Formation, Regulation, and Government of Convict Prisons in Ireland. [7th August, 1854.]

## CAP. LXXVII.

An Act to provide for the Mode of passing Letters-patent and other Acts of the Crown relating to India, and for vesting certain Powers in the Governor-General of India in Council. [7th August, 1854.]

- Sect. 1. *Warrants, &c. under Royal Sign-manual relating to India to be countersigned by President of Board of Control.*
2. *If Office of President vacant, then by Secretary of State.*
3. *The immediate Government of any Part of the Indian Territories may be vested in the Governor-General of India in Council.*
4. *Governor-General may limit the Powers of Governors herein named.*
5. *Powers of Governor-General as Governor of Bengal transferred to the Governor of India in Council.*
6. *Past Acts declared valid.*
7. *Interpretation.*
8. *Act to be construed with the 16 & 17 Vict. c. 95.*

Whereas doubts may arise as to the mode of passing letters-patent and other acts of the Crown relating to India in certain cases where her Majesty's pleasure is to be signified under her royal sign-manual, and it is expedient to remove such doubts, and to provide an uniform mode of proceeding in such cases: and whereas it is expedient to provide for the administration by the Governor-General of India in Council of such parts of the territories for the time being under the government of the East India Company as it may not be advisable to include in any presidency or lieutenant-governorship, and to vest in such Governor-General of India in Council the powers now vested in the Governor of the Presidency of Fort William, in Bengal: be it enacted &c. as follows:—

Sect. 1. Whenever it shall please her Majesty to cause letters-patent to be issued under the Great Seal of the United Kingdom for the nomination or appointment of any person to any office in India, or to any office relating to the government thereof, or for any other purpose whatsoever relating to India, the warrant under her Majesty's royal sign-manual for causing such letters-patent to be passed under the Great Seal shall be countersigned by the President of the Board of Commissioners for the Affairs of India, and by no other person, and shall be sealed with the privy seal, for which sealing such royal sign-manual so countersigned shall be sufficient warrant to the Lord Keeper of the Privy Seal, and such warrant under the royal sign-manual, so countersigned and sealed as aforesaid, shall be a sufficient authority to the Lord High Chancellor, or Lord Keeper or Lords Commissioners of the Great Seal of the United Kingdom, for passing letters-patent under such Great Seal, according to the tenor of the same warrant; and whenever her Majesty's royal sign-manual is or may be required to any warrant or writing for the appointment or removal of any person to or from any office in India, or any office relating to the government thereof, or is or may be required to any warrant or writing for the purpose of signifying her Majesty's approbation or consent to any appointment or removal to or from any such office, or for any other purpose whatsoever relating to India, such warrant or writing shall be countersigned by the president of the said board, and by no other

person; and every such warrant or writing as aforesaid under her Majesty's royal sign-manual which may have been heretofore countersigned by such president shall not be deemed to have required any other counter-signature or verification.

2. During any vacancy in the office of President of the Board of Commissioners for the Affairs of India, any warrant or writing required under this act or otherwise to be countersigned by such president shall be countersigned by one of her Majesty's Principal Secretaries of State.

3. It shall be lawful for the Governor-General of India in Council, with the sanction and approbation of the Court of Directors of the East India Company, acting under the control and direction of the Board of Commissioners for the Affairs of India, from time to time, by proclamation duly published, to take under the immediate authority and management of the said Governor-General of India in Council any part or parts of the territories for the time being in the possession or under the government of the said company, and thereupon to give all necessary orders and directions respecting the administration of such part or parts of the said territories, or otherwise to provide for the administration thereof: provided always, that no law or regulation in force at any such time as regards any such portion of territory shall be altered or repealed except by law or regulation made by the Governor-General of India in Council.

4. It shall be lawful for the said Governor-General of India in Council, with the like sanction and approbation, from time to time to declare and limit the extent of the authority of the Governor in Council, Governor, or Lieutenant-Governor of Bengal, or of Agra, or the North-west Provinces, who is now or may be hereafter appointed.

5. All powers now or at any time vested in or exercised by the Governor in Council, or Governor of the Presidency of Fort William, in Bengal, or in or by the Governor-General of India in Council, in respect of such presidency, and which for the time being shall not have been transferred to the Governor in Council, Governor, or Lieutenant-Governor of Bengal, or of Agra, or the North-west Provinces, shall be vested in and may be exercised by the Governor-General of India in Council, and the Governor-General of India shall no longer be the Governor of the said Presidency of Fort William, in Bengal.

6. All acts of the Governor-General of India, or of the Governor-General of India in Council, done before the commencement of this act, in respect to the Presidency of Fort William, in Bengal, shall be as good and valid, and of the same force and effect, as if done by the Governor of the said Presidency.

7. In the construction of this act, "India" shall be construed to mean the territories for the time being in the possession and under the government of the East India Company.

8. This act shall be read and construed as part of the act of the last session of Parliament, c. 95.

## CAP. LXXVIII.

An Act to appoint Persons to administer Oaths, and to substitute Stamps in lieu of Fees, and for other Purposes, in the High Court of Admiralty of England. [7th August, 1854.]

- Sect. 1. *Short Title.*
2. *Commencement of Act.*
3. *Judge of Admiralty may appoint Solicitors and Notaries to administer Oaths, &c.*
4. *Commissioner's Appointment to bear a Stamp of 11.*
5. *Personal Answers may be taken without a Commission.*
6. *Commission for Examination of Witnesses dispensed with, and Examiners empowered to administer Oaths.*
7. *Answers, Affidavits, &c., how to be sworn and taken in England and Wales.*
8. *Answers, Affidavits, &c., how to be sworn and taken out of England and Wales.*
9. *Penalty for false swearing, &c.*
10. *Penalty for forging Signature or Seal of Judge, &c. empowered to administer Oaths under this Act.*
11. *Power to appoint Persons under special Circumstances to administer Oaths, &c.*
12. *Power of Judge to issue Commissions as heretofore, to administer Oaths, &c.*

13. *Power to Court to proceed by Way of Monition.*
14. *Her Majesty may by Order in Council vary, alter, or abolish Fees, and provide for their Collection by Stamps.*
15. *After such Order, Fees not to be received in Money, but by means of Stamps.*
16. *Commissioners of Inland Revenue to give the necessary Directions as to the Stamps, and to keep separate Accounts.*
17. *Provision for Sale of Stamps.*
18. *Commissioners of Inland Revenue may make Regulations as to Allowance for spoiled Stamps.*
19. *Provisions of former Acts relating to Stamps to be applicable to Stamps under this Act.*
20. *No Document to be received or used unless stamped.*
21. *Officers guilty of Fraud or wilful Neglect in relation to Stamps liable to be dismissed.*
22. *Power to Treasury to order Pensions for retiring Officers.*
23. *Provisions to extend to Instance, Prize, and other Matters.*

Whereas doubts have arisen whether the "Commissioners to administer Oaths in Chancery" may lawfully administer oaths, or take declarations, affirmations, or attestations, in the High Court of Admiralty of England: and whereas it is expedient that fit and proper persons should be forthwith appointed for such purposes; and it is also expedient to provide for the collection of the fees payable in relation to proceedings in the said court by means of stamps to be provided and used for the purpose: be it enacted, &c. as follows:—

Sect. 1. This act may for all purposes be cited as "The Admiralty Court Act, 1854."

2. This act shall come into operation on the 1st day of August, 1854.

3. It shall be lawful for the judge of the High Court of Admiralty of England, and he is hereby empowered, from time to time, and as and when he may think fit, to appoint any person practising as a proctor, solicitor, or notary public in any part of England and Wales to administer oaths and take declarations, affirmations, and attestations in or relating to any matter, suit, or proceeding in the High Court of Admiralty of England; and such persons shall be styled "Commissioners to administer Oaths in Admiralty," and shall be entitled to charge and take a fee of 1s. 6d. for every oath administered by them, and for every declaration, affirmation, and attestation taken by them, subject to any order of the judge of the said court varying or annulling the same.

4. The fiat or document by which any such commissioner shall be appointed shall bear a stamp of 1l., and it shall not be necessary that any such appointment should be published in the London Gazette.

5. It shall not be necessary to sue out any commission to take the personal answers of any party in any matter, suit, or proceeding in the said court; and any such answers may be filed without any further or other formality than is required in the swearing and filing of an affidavit.

6. It shall not be necessary to sue out any commission for the examination of any witnesses in any matter, suit, or proceeding in the said court; and any examiner appointed by any order of the said court shall have the like power of administering oaths as commissioners now have under commissions issued by the court for the examination of witnesses.

7. All answers, examinations, affidavits, depositions on oath, declarations, affirmations, and attestations in or relating to any matter, suit, or proceeding in the said High Court of Admiralty shall and may be sworn and taken in England and Wales before any such commissioner appointed as aforesaid, or before any magistrate or justice of the peace, or before any commissioner to administer oaths in Chancery.

8. All answers, examinations, affidavits, depositions on oath, declarations, affirmations, and attestations in or relating to any matter, suit, or proceeding in the said High Court of Admiralty of England shall and may be sworn and taken in Scotland or Ireland, or the Isle of Man, or the Channel Islands, or any of them, or in any colony, island, plantation, or place under the dominion of her Majesty in foreign parts, before any judge, court, magistrate, notary public, or person lawfully authorised to administer oaths in such country, island, or plantation, or place respectively, or before any of her Majesty's consuls or vice-consuls in any foreign parts out of her

Majesty's dominions; and the judge and other officers of the said High Court of Admiralty shall take judicial notice of the seal or signature, as the case may be, of any such judge, court, magistrate, notary public, person, consul, or vice-consul attached, appended, or subscribed to any such answers, examinations, affidavits, depositions on oath, declarations, affirmations, and attestations, or the documents to be used in the said court.

9. All persons swearing, declaring, affirming, or attesting before any person authorised by this act to administer oaths and take declarations, affirmations, and attestations, shall be liable to all such penalties, punishments, and consequences for any wilful and corrupt false swearing, declaring, affirming, or attesting contained therein, as if the matter sworn, declared, affirmed, or attested had been sworn, declared, affirmed, or attested before any court or person now by law authorised to administer oaths and take declarations, affirmations, and attestations.

10. If any person shall forge the signature or the official seal of any such commissioner, judge, court, magistrate, notary public, or other person lawfully authorised to administer oaths and take declarations, affirmations, or attestations under this act, or shall tender in evidence any answers, examination, deposition on oath, declaration, affirmation, attestation, or other judicial or official document, with a false or counterfeit signature or seal of any such commissioner, judge, court, magistrate, notary public, or other person authorised as aforesaid, attached or appended thereto, knowing the same signature or seal to be false or counterfeit, every such person shall be guilty of felony, and shall be liable to the same punishment as any offender under an act passed in the 8 & 9 Vict., intitled "An Act to facilitate the Admission in Evidence of certain official and other Documents."

11. The judge of the High Court of Admiralty of England may, whenever it shall appear to him necessary so to do, authorise any person to administer oaths and to take affidavits, depositions on oath, declarations, affirmations, and attestations during the time such person shall be on the high seas, or in any place not within her Majesty's dominions, in or relating to prize proceedings in the said court, and it shall not be necessary to affix any stamp to the fiat or document by which any such person shall be appointed.

12. Nothing herein contained shall abridge or lessen the power of the judge of the said High Court of Admiralty of England, as it now exists, to issue commissions as heretofore, and to appoint fit persons to administer oaths, take affidavits, depositions on oath, declarations, affirmations, and attestations, and generally to execute any commissions, nor shall affect in any manner the power of the judge or surrogates of the said court to administer oaths and take affidavits, depositions on oath, declarations, affirmations, and attestations as heretofore, in or relating to any matter, suit, or proceeding in the said court.

13. In all cases in which a party has a cause or right of action in the High Court of Admiralty of England against any ship, or freight, goods, or other effects whatever, it shall not be necessary to the institution of the suit for such person to sue out a warrant for the arrest thereof, but it shall be competent to him to proceed by way of monition, citing the owner or owners of such ship, freight, goods, or other effects to appear and defend the suit, and upon satisfactory proof being given that the said monition has been personally served upon such owner or owners, the said court may proceed to hear and determine the suit, and may make such order in the premises as to it shall seem right.

14. Her Majesty may by Order in Council from time to time vary, alter, or abolish all or any of the fees payable in relation to proceedings in the High Court of Admiralty of England, and may substitute one or more fee or fees in lieu thereof, and may direct that all or any of such fees shall, from a day to be named in such order and thenceforth, be collected by means of stamps, to be provided and used in manner hereinafter mentioned.

15. From and after the day named in such order the fees directed by such order to be received by stamps shall not be received in money, but by a stamp denoting the amount of the fee which otherwise would be payable; and where any fee shall be payable in respect of any document, such stamp shall, at the expense of the party liable to pay, and in such manner and under such regulations as shall by any order of the judge of the said court be directed, be stamped or affixed on the vellum,

parchment, or paper on which the proceeding in respect whereof such fee is payable is written, printed, or ingrossed, or which may be otherwise used in reference to such proceeding.

16. The Commissioners of Inland Revenue shall from time to time, and as occasion shall require, give the necessary directions for carrying the same into effect, and shall provide everything that is requisite for that purpose, and shall do or cause to be done everything that is necessary for the receipt and collection of the money to be paid for such stamps, and the said commissioners shall cause separate and distinct accounts to be kept of all sums of money received or collected by them in respect of the sale of such stamps, and of all costs, charges, and expenses incurred by them, or by their direction, in carrying the same into effect.

17. The Commissioners of Inland Revenue may, if they think it necessary to do so, authorise proper persons for the sale and distribution of all or any of the stamps to be used under this act, and may allow to such persons the usual or customary discount or poundage thereon.

18. The Commissioners of Inland Revenue shall from time to time make such regulations as they shall think fit for the allowance of such stamps issued under the provisions of this act as may have been spoiled or rendered useless or unfit for the purpose intended, or for which the owner may have no immediate use, or which through mistake or inadvertence may have been improperly or unnecessarily used, and such allowance shall be made either by giving other stamps in lieu of the stamps so allowed, or by repaying the amount or value to the owner or holder thereof, after deducting the discount or poundage (if any) allowed on stamps of the like kind.

19. The provisions contained in the several acts for the time being in force relating to stamps under the care or management of the Commissioners of Inland Revenue shall, (so far as the same are applicable and consistent with the provisions of this act), in all cases not hereby expressly provided for, be of full force and effect with respect to the stamps to be provided under or by virtue of this act, and to the vellum, parchment, or paper on or to which the same stamps shall be impressed or affixed, and be applied and put in execution for collecting and securing the sums of money denoted thereby, and for preventing, detecting, and punishing all frauds, forgeries, and other offences relating thereto, as fully and effectually to all intents and purposes as if such provisions had been herein repeated and specially enacted with reference to the said last-mentioned stamps and sums of money respectively.

20. No document which by any order as aforesaid ought to have had a stamp impressed thereon or affixed thereto shall be received or filed or be used in relation to any proceeding in the High Court of Admiralty, or be of any validity for any purpose whatsoever, unless or until the same shall have a stamp impressed thereon or affixed thereto in the manner directed by such order: provided always, that if at any time it shall appear that any such document which ought to have had a stamp impressed thereon or affixed thereto has, through mistake or inadvertence, been received or filed or used without having such stamp impressed thereon or affixed thereto, the judge of the said court may, if he shall think fit, order that a stamp, not exceeding in value four times the amount of such original stamp, shall be impressed thereon or affixed thereto; and thereupon, when the proper stamp shall, in compliance with such order, have been impressed on such document or affixed thereto, such document, and every proceeding in reference thereto, shall be as valid and effectual as if such stamp had been impressed thereon or affixed thereto in the first instance.

21. If any officer of the High Court of Admiralty, or other person, shall do or commit or connive at any fraudulent act or practice in relation to any stamp to be used under the provisions of this act, or to any fee or sum of money to be collected or which ought to be collected by means of any such stamp, or if any such officer or person shall be guilty of any wilful act, neglect, or omission in relation to any such stamp or fee as aforesaid, whereby any fee or sum of money which ought to be collected shall be lost, or the payment thereof evaded, every such officer or person so offending may be dismissed from his office or employment by the judge of the said court.

22. It shall be lawful for the Commissioners of her Majesty's Treasury, on the recommendation of the judge of the High Court of Admiralty, to order to be paid to any person now or hereafter holding any office or employment in the said court, who shall be afflicted with some permanent infirmity disabling

him from the due execution of his office, or shall be desirous of resigning the same, a superannuation or allowance; and in ascertaining and awarding the amount of such superannuation or allowance, the said commissioners shall proceed according to the principles laid down in the act of the 4 & 5 Will. 4, c. 24.

23. Except where it shall be otherwise expressed, the provisions of this act shall apply to all instance, prize, and other matters, suits, and proceedings of which the High Court of Admiralty may legally take cognisance.

(To be continued).

## London Gazette.

FRIDAY, SEPTEMBER 22.

### BANKRUPTS.

JAMES SANDERS, late of Bishop's Stortford, Hertfordshire, confectioner and wine merchant, but now of Paddington-green, Middlesex, corn dealer, dealer and chapman, Oct. 5 at 11, and Nov. 9 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Hubbard, Bucklersbury.—Petition filed Sept. 20.

WILLIAM ROBINSON, Church-row, Limehouse, Middlesex, late of Liverpool, shipowner, but now a prisoner for debt in the Queen's Prison, Surrey, Oct. 4 and Nov. 2 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Strong, 44, Jewin-st., Cripplegate.—Petition filed Sept. 16.

JONATHAN SMART, Saffron Walden, Essex, cabinet maker, upholsterer, and ironmonger, dealer and chapman, Oct. 2 at 2, and Nov. 7 at 1, Court of Bankruptcy, London: Off. Ass. Lee; Sols. W. & R. D. Thurgood, Saffron Walden, Essex; Sharpe & Co., 41, Bedford-row, London.—Petition filed Sept. 19.

CHARLES HICKMAN, High-road, Knightsbridge, Middlesex, licensed victualler, dealer and chapman, Oct. 2 at half-past 1, and Nov. 7 at 2, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Stubbs, 46, Moorgate-street, London.—Petition filed Sept. 20.

WILLIAM WEST, London-terrace, Hackney-road, Middlesex, linendraper, dealer and chapman, Oct. 2 at half-past 2, and Nov. 7 at half-past 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Archer, 2, Church-court, Clement's-lane, London.—Petition filed Sept. 20.

JOSEPH CAWLEY, Michael's-place, Brompton, Middlesex, upholsterer, Oct. 2 at half-past 12, and Nov. 14 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Kinsey, 20, Bloomsbury-square, London.—Petition filed Sept. 20.

HENRY BASIL BRAY, Coventry, Warwickshire, grocer, dealer and chapman, Oct. 6 and 26 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Motteram & Knight, Birmingham; Sturmy & Co., 14, Philpot-lane, London.—Petition dated Sept. 9.

JOSEPH WHITMORE, Leicester, woolstapler, dealer and chapman, Oct. 3 and 31 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Palmer & Billson, Leicester; Motteram & Knight, Birmingham.—Petition dated Sept. 8.

WILLIAM CLARKE, Gloucester, licensed victualler, Oct. 3 and 31 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Lovegrove, Gloucester.—Petition filed Sept. 20.

MICHAEL AUSTIN STUDDEN, Launceston, Cornwall, gas manufacturer and leather merchant, Oct. 3 and 26 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Turner, Exeter.—Petition filed Sept. 19.

FREDERICK KERSHAW, Sheffield, Yorkshire, builder, Oct. 7 and Nov. 11 at 12, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sol. Fernell, Sheffield.—Petition dated Sept. 9.

WILLIAM WALKER, Manchester, builder, dealer and chapman, Oct. 6 and Nov. 7 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sol. Boote, Manchester.—Petition filed Sept. 13.

JOHN HARWOOD, Blackburn, Lancashire, tailor and draper, dealer and chapman, Oct. 5 and Nov. 8 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sol. Haigh, Huddersfield, Yorkshire.—Petition filed Sept. 13.

**SAMUEL CLEGG**, Crawford-street, near Rochdale, Lancashire, blacksmith, dealer and chapman, Oct. 10 and Nov. 7 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sol. Taylor, Manchester.—Petition filed Sept. 12.

**THOMAS ROBERTS**, Manchester, ironmonger, Oct. 6 and Nov. 7 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sol. Slater, Manchester.—Petition filed Sept. 14.

#### MEETINGS.

**William Woods and Samuel Thomas**, Cheapside, London, wholesale hardwaremen, Oct. 6 at 2, Court of Bankruptcy, London, pr. d.—**Peter Taylor**, Manchester, millwright, Oct. 5 at 12, District Court of Bankruptcy, Manchester, ch. ass.—**Robert Ewin**, High-street, Islington, Middlesex, upholsterer, Oct. 3 at 1, Court of Bankruptcy, London, aud. ac.—**Joseph Stanbridge R. Clarke**, Islington-market, Middlesex, dealer in hay, Oct. 3 at 11, Court of Bankruptcy, London, aud. ac.—**Gowan Clifford**, Strood, Kent, builder, Oct. 3 at 11, Court of Bankruptcy, London, aud. ac.—**J. Dossetter**, Theobald's-road, Middlesex, ironmonger, Oct. 3 at 11, Court of Bankruptcy, London, aud. ac.; Oct. 16 at 12, div.—**George Wm. Merington**, Edgware-road, Middlesex, draper, Oct. 16 at 11, Court of Bankruptcy, London, div.—**Michael Ballard Lee**, Brighton, Sussex, jeweller, Oct. 16 at 1, Court of Bankruptcy, London, div.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

**John Larkin How**, Caroline-place, City-road, Middlesex, builder, Oct. 19 at 2, Court of Bankruptcy, London.—**Joseph Bailey Milkington**, Marlborough-place, Harrow-road, Paddington, Middlesex, builder, Oct. 16 at half-past 1, Court of Bankruptcy, London.—**F. Scotson**, Aldermanbury, London, and Maiden-lane, Southampton-st., Strand, Middlesex, tavern keeper, Oct. 17 at 11, Court of Bankruptcy, London.—**James Sherman**, Brentwood, Essex, grocer, Oct. 14 at 1, Court of Bankruptcy, London.—**John Summersell**, Little York-place, St. Marylebone, Middlesex, carpenter, Oct. 16 at 2, Court of Bankruptcy, London.—**C. Seagrim**, Winchester, Southampton, solicitor, Oct. 16 at 12, Court of Bankruptcy, London.—**S. Wiles**, St. Neots, Huntingdonshire, brewer, Oct. 17 at 12, Court of Bankruptcy, London.—**Gordon H. Cripps**, Shrewsbury, Shropshire, wine merchant, Oct. 16 at half-past 1, Court of Bankruptcy, London.—**Stephen Trovman**, Chipping Sodbury, Gloucestershire, corn dealer, Oct. 24 at 12, District Court of Bankruptcy, Bristol.—**Elizabeth Salter**, Kerry, Montgomeryshire, mercer, Oct. 13 at 11, District Court of Bankruptcy, Liverpool.

To be granted, unless an Appeal be duly entered.

**John Driscoll**, Cardiff, Glamorganshire, potato merchant.—**Simon Stevens**, Charlwood-place, Fimlico, Middlesex, builder.—**Geo. Hartshorne**, Great Dover-street, Southwark, Surrey, ironmonger.—**Wm. Henry Dean**, Fleet-street, London, auctioneer.—**John Wm. Williams** and **Wm. Fisher Warbreck**, Liverpool, manufacturing chemists.

#### PETITIONS ANNULLED.

**Michael Neville**, Liverpool, brass founder.—**Geo. Edwards**, Newport, Monmouthshire, grocer.

#### PARTNERSHIP DISSOLVED.

**Henry Hargreaves**, **Thomas Ainsworth**, and **John Bolton**, Blackburn, Lancashire, attorneys-at-law and solicitors.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

**John Pearson Highton**, Liverpool, machinist, Sept. 25 at 10, County Court of Lancashire, at Liverpool.—**D. Plant**, Birmingham, warehouse clerk, Oct. 7 at 10, County Court of Warwickshire, at Birmingham.—**John C. Dester** and **Robert E. Dester**, Birmingham, fruit salesmen, Oct. 7 at 10, County Court of Warwickshire, at Birmingham.—**Henry Beckett**, Birmingham, painter, Oct. 7 at 10, County Court of Warwickshire, at Birmingham.—**John H. Fuller**, Birmingham, commercial traveller, Oct. 7 at 10, County Court of Warwickshire, at Birmingham.—**John Crosskill**, Birmingham, dancing master, Oct. 7 at 10, County Court of Warwickshire, at Birmingham.—**Lois Robson**, spinster, Scarborough, lodging-house keeper, Oct. 18 at 11, County Court of Yorkshire, at Scarborough.—**Henry Jeffries**, St. George, Gloucestershire, brewer, Sept. 28 at half-past 10, County Court of Gloucestershire, at

Bristol.—**James Dinkham**, Bristol, eating-house keeper, Sept. 28 at half-past 10, County Court of Gloucestershire, at Bristol.—**Charles Lister**, Buckingham, artist, Oct. 6 at 10, County Court of Oxfordshire, at Oxford.—**Epaphras Willson**, Leicester, cordwainer, Oct. 11 at 10, County Court of Leicestershire, at Leicester.—**George Flook**, Llangatock, Breconshire, mine contractor, Oct. 10 at 1, County Court of Monmouthshire, at Tredegar.—**Henry Tonkin**, Llanwenarth, Monmouthshire, wharfinger, Oct. 9 at 12, County Court of Monmouthshire, at Abergavenny.—**George J. Nichols**, Abergavenny, Monmouthshire, plumber, Oct. 9 at 12, County Court of Monmouthshire, at Abergavenny.—**E. Farrer**, Upper Clatford, Southampton, baker, Oct. 21 at 11, County Court of Hampshire, at Andover.—**Thos. Wray**, Market Weighton, Yorkshire, joiner, Oct. 4 at 10, County Court of Yorkshire, at Pocklington.—**Francis Bennett**, Welford, Northamptonshire, butcher, Sept. 29 at 11, County Court of Leicestershire, at Lutterworth.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Somersetshire, at TAUNTON, Oct. 9. **Charles Parsons**, Yatton, lime burner.—**T. Frampton**, Somerton, baker.—**Wm. Hemmons**, Bristol, printer.—**Thos. Loscombe**, North Petherton, out of business.

At the County Court of Shropshire, at SHREWSBURY, Oct. 10 at 10.

**Alexander Robinson**, Oakton Gates, near Wellington, grocer.

At the County Court of Gloucestershire, at BRISTOL, Oct. 12 at half-past 10.

**Thomas Farmer**, Bristol, ironmonger.

#### TUESDAY, SEPTEMBER 26.

#### BANKRUPTS.

**PETER POLAND** and **EVAN BARNETT MEREDITH**, Bread-street, Cheapside, London, furriers, Oct. 5 at half-past 1, and Nov. 9 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Graves & Co., 23, Bedford-rs.—Petition filed Sept. 21.

**CHARLES PLAISTER**, Everaholt-street, St. Pancras, Middlesex, draper and milliner, dealer and chapman, Oct. 6 at 11, and Nov. 7 at half-past 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Sole & Co., 67, Aldermanbury, London.—Petition filed Sept. 20.

**WILLIAM TYRRE**, Blackfriars-road, Surrey, boot and shoe manufacturer, dealer and chapman, Oct. 11 and Nov. 8 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Levy, 14, Arundel-street, Strand.—Petition filed Sept. 23.

**JOSEPH CHAVE**, Torquay, Devonshire, builder, dealer and chapman, Oct. 5 and Nov. 9 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Carter, Torquay; Stogdon, Exeter.—Petition filed Sept. 21.

**ELIAS WARHURST**, Ardwick, Manchester, timber merchant, Oct. 11 and Nov. 15 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Blair, Manchester; Hardman, Manchester.—Petition filed Sept. 4.

**GEORGE WILSON**, Salford, Lancashire, ironfounder, dealer and chapman, Oct. 9 and Nov. 14 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sol. Slater, Manchester.—Petition filed Sept. 22.

**WILLIAM HOUSTON**, Manchester, builder and contractor, Oct. 9 and Nov. 13 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sol. Lamb, Manchester.—Petition filed Sept. 20.

#### MEETINGS.

**Lewis Benjamin**, Princes-street, Leicester-square, Middlesex, jeweller, Oct. 7 at half-past 1, Court of Bankruptcy, London, last ex.—**George Lowry**, Salford, Lancashire, flax spinner, Oct. 10 at 12, District Court of Bankruptcy, Manchester, last ex.—**Aligimiro Duroni**, Fenchurch-street, London, merchant, Oct. 7 at 11, Court of Bankruptcy, London, aud. ac.—**A. Eden Horcroft**, Union-road, Clapham, Surrey, builder, Oct. 7 at 11, Court of Bankruptcy, London, aud. ac.—**C. F. Tibbe**, America-square, London, shipowner, Oct. 7 at 11, Court of Bankruptcy, London, aud. ac.—**Rich. Brevitt**, Coventry, ironmonger, Nov. 9 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac.; Nov. 10 at half-past 10, div.—**G. Imperial Sharp**, Oswestry, Shropshire, draper, Oct. 14 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac.—**John Sayer**, Sheffield, Yorkshire, draper, Oct. 7 at

12, District Court of Bankruptcy, Sheffield, and. ac.—*John Holland Oates*, Halifax, Yorkshire, painter, Oct. 20 at 11, District Court of Bankruptcy, Leeds, div.—*Joe. Carruthers Nicholson*, Liverpool, merchant, Oct. 20 at 11, District Court of Bankruptcy, Liverpool, div.—*Crosby Leighton*, Liverpool, grocer, Oct. 19 at 11, District Court of Bankruptcy, Liverpool, div.—*George Forster*, Liverpool, share broker, Oct. 19 at 11, District Court of Bankruptcy, Liverpool, div.—*Henry M. Grotty*, Liverpool, merchant, Oct. 20 at 11, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*James Maynard*, Chelsea, Middlesex, butcher, Oct. 18 at 2, Court of Bankruptcy, London.—*James Rowley*, Shoreditch, Middlesex, commission agent, Oct. 18 at half-past 12, Court of Bankruptcy, London.—*James Bishop*, Southampton, boot maker, Oct. 17 at half-past 12, Court of Bankruptcy, London.—*Edward Davies*, Harrow-road, Paddington, and Park-terrace, Regent's-park, Middlesex, oilman, Oct. 17 at 12, Court of Bankruptcy, London.—*Samuel Barnes*, Oldham, Lancashire, machine maker, Oct. 19 at 12, District Court of Bankruptcy, Manchester.—*James Wild*, Hurst, Ashton-under-Lyne, Lancashire, cotton spinner, Oct. 17 at 12, District Court of Bankruptcy, Manchester.—*Wm. Guesst*, Manchester, commission agent, Oct. 19 at 12, District Court of Bankruptcy, Manchester.—*Henry Brownell*, Liverpool, merchant, Oct. 19 at 11, District Court of Bankruptcy, Liverpool.—*D. Cooper*, Birmingham, pearl-button maker, Oct. 26 at 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*George Chaffer*, Commercial-road, Pimlico, Middlesex, builder.—*Mary Browne and John Read Browne*, Middle-row South, Knightsbridge, Middlesex, window-glass cutters.—*T. Jones Burton and Baker John Gabb*, Wigmore-st., Cavendish-square, Middlesex, church furnishers.—*George Earnshaw*, Ashton-under-Lyne, Lancashire, grocer.

#### SOURCE SEQUESTRATIONS.

*Wm. McCulloch*, Glasgow, warehouseman.—*Wm. Barr*, Glasgow, steam-boat steward.—*James T. Turnbull*, Leith, merchant.—*D. Low & Co.*, Glasgow, ship-store merchants.—*James McCannell*, deceased, Hazelton, Renfrewshire, bleacher.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Cowell*, Newcastle-upon-Tyne, blacksmith, Oct. 12 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—*John Richardson*, Newcastle-upon-Tyne, licensed victualler, Oct. 12 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—*Robert Walton*, Newcastle-upon-Tyne, cabinet maker, Oct. 12 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—*Levi Martin*, Yeovilton, Somersetshire, keeper of portable threshing machines, Oct. 5 at 10, County Court of Somersetshire, at Langport.—*Geo. Randle*, Wildon, Hartlebury, Worcesterhire, labourer, Oct. 18 at 10, County Court of Worcesterhire, at Kidderminster.—*Joseph Iscott*, Lincoln, tinner, Oct. 10 at 12, County Court of Lincolnshire, at Lincoln.—*Elizabeth Griffiths*, spinster, Braes Moels, Shropshire, out of business, Oct. 10 at 10, County Court of Shropshire, at Shrewsbury.—*Richard Etherington*, New Windsor, Berkshire, job master, Oct. 11 at 10, County Court of Berkshire, at Windsor.—*T. Muddle*, Uckfield, Sussex, cooper, Oct. 3 at 12, County Court of Sussex, at Lewes.—*John Hewlett*, Clearwell, Newland, Gloucestershire, grocer, Oct. 13 at 10, County Court of Monmouthshire, at Monmouth.—*Isaac Rhodes*, Manningham, Bradford, Yorkshire, stonemason, Oct. 17 at 11, County Court of Yorkshire, at Bradford.

*Saturday, Sept. 23.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*David Cole*, Godahill, Isle of Wight, farmer, No. 78,260 C.; *Samuel Pring*, assignee.—*Abraham Chamberlain*, York, out of business, No. 78,598 C.; *John Settle*, assignee.—*George Demaine*, Ilkley, Yorkshire, tailor, No. 78,601 C.; *William Spang*, assignee.—*James Purdon*, Leeds, Yorkshire, bricklayer, No. 78,603 C.; *Wm. Broadwith*, assignee.

*Saturday, Sept. 23.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*  
(On their own Petitions).

*Ovid Thompson*, Calthorpe-street, Gray's-Inn-road, Middlesex, paper stainer: in the Debtors Prison for London and Middlesex.—*Thomas Wilson*, Eastcheap, London, builder: in the Debtors Prison for London and Middlesex.—*J. Walduck*, New Norfolk-street, Lower-road, Islington, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*Timothy Driscoll*, Lucas-street, Commercial-road, Middlesex, foreman at the St. Katherine's Docks: in the Debtors Prison for London and Middlesex.—*George B. Barritt*, Grafton-road, Kentish-town, Middlesex, clerk in the Inland Revenue Office, Somerset House: in the Debtors Prison for London and Middlesex.—*Edwin Ludlam*, Queen's-row, Walworth-common, Walworth, Surrey, out of business: in the Gaol of Horsemonger-lane.—*John S. Rowe*, Little Britain, London, out of business: in the Debtors Prison for London and Middlesex.—*Ann Cotterill*, Birmingham, out of business: in the Gaol of Warwick.—*Wm. Hemmons*, Bristol, printer: in the Gaol of Wilton.—*Thomas Loscombe*, North Petherton, Somersetshire, out of business: in the Gaol of Wilton.—*Edward Robinson*, Newcastle-upon-Tyne, out of business: in the Gaol of Newcastle-upon-Tyne.—*Francis B. Halls*, Great Malvern, Worcesterhire, out of business: in the Gaol of Worcester.—*John Robson*, Bishop Auckland, Durham, railway sub-contractor: in the Gaol of Durham.—*James Walker*, Eston, Cleveland, Yorkshire, grocer: in the Gaol of York.—*Christopher Holgate*, Windhill, near Shipley, Bradford, Yorkshire, out of business: in the Gaol of York.—*Thomas Partridge*, Birmingham, out of business: in the Gaol of Coventry.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Lincolnshire, at LINCOLN, Oct. 10 at 12.*

*Robert W. Travis*, Kirtou in Lindsey, watchmaker.—*Thos. Walker*, Wootton, blacksmith.—*Joseph Barnes*, Spittlegate, Grantham, dealer in coals.—*Samuel E. M. Raymond*, Boston, out of employment.—*Edward Greenwood*, Tellington, in no business.

*At the County Court of Worcesterhire, at WORCESTER, Oct. 11 at 10.*

*Francis B. Halls*, Great Malvern, out of business.

#### MEETINGS.

*Thomas Cornell*, Preston, Lancashire, labourer, Oct. 16 at 12, at Turner & Son's, Preston, sp. aff.

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# The Jurist

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## ADVERTISEMENTS.

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LONDON, OCTOBER 7, 1854.

We resume the subject of injunctions, for the purpose of stating practical propositions, supported by authorities\*. And, first, as to injunctions to stay proceedings at law, when the prosecution of the action would be inequitable.

If a party is proceeding at law on a bond or other legal instrument obtained by fraud, or by means of any inequitable transaction, a Court of equity will in general interfere by injunction. (*Talleyrand v. Boulanger*, 3 Ves. 447; *Jervis v. White*, 7 Ves. 413; *Hodgson v. Murray*, 2 Sim. 515; and see 3 Sim. 283).

Where, however, by the facts in evidence, de hors the instrument itself, it does not appear that the holder had knowledge of the illegal origin of a bill, he will not be restrained from proceeding on it at law. (*Dunbar v. Wilson*, 6 Bro. P. C. 231).

An injunction may be also granted to restrain proceeding under an agreement founded on a fraudulent representation. (*Lovell v. Hicks*, 2 Y. & C. 46).

Before the 5 & 6 Will. 4, c. 41, bills and notes given in respect of a gambling transaction were, by

the stat. 9 Ann. c. 14, s. 1, absolutely void. But equity had jurisdiction to relieve against such instruments, and to decree repayment, if money had been paid under them; (*Rawden v. Shadwell*, Amb. 269); or to restrain proceedings at law, and to have them delivered up to be cancelled. (*Newman v. Franco*, 2 Anst. 519; *Andrews v. Berry*, 3 Anst. 634).

But because equity has this jurisdiction, it does not follow that it will always interfere against a bill given for a gambling transaction. In general, in the cases in which a Court of equity has interfered, it has been necessary for the plaintiff to come into that court for discovery, and for the purpose of connecting the instrument in question with the transaction on which its illegality is founded; and then, if the circumstances are suspicious, equity will restrain proceedings at law on the instrument till they are better explained. (*Lord Portarlington v. Souby*, 3 My. & K. 104; *Wynne v. Jackson*, 2 Russ. 351; but see *Wilkinson v. L'Eauquier*, 2 Y. & C. 363).

If the illegality appears at law, the Court will not interfere. (*Graves v. Houlditch*, 2 Price, 147).

The law has received a material alteration as to bills and notes given in consideration of gaming transactions, by the 5 & 6 Will. 4, c. 41, which repeals the provision above referred to of the 9 Ann. c. 14, s. 1, and enacts, that such bills and notes, instead of being absolutely void, shall be deemed and taken to have been made, drawn, accepted, given, or executed for an illegal consideration.

Where a person takes a bill drawn in the name of a firm by one of the partners, who by the partnership articles is expressly restricted from drawing bills in the name of the firm, and the holder fails to prove that it has been represented to him that the bill was the bill of the firm, he will be ordered to deliver it up. (*Newman v. Milner*, 2 Ves. jun. 483). And where an

\* These propositions are extracted from Mr. Drewry's Treatise on the Law and Practice of Injunctions. Sweet, 1841 and 1849.



executor holds promissory notes made to him as executor, and shewing that fact upon the face of them, a party who takes those notes, in a transaction inconsistent with the due administration of the testator's assets, renders himself liable to the consequences of the devastavit. (*Dawnes v. Power*, 2 Ball & B. 491; but see *Eddale v. La Nauge*, 1 Y. & C. 394).

Where several persons become sureties for a sum of money, each in a separate bond for his proportional share of such sum, there will be a liability between them as sureties, even against the intention of the parties. (*Dering v. Lord Winchelsea*, 1 Cox, 318; and see, per Lord Eldon, Turn. & R. 429). But if the transaction is such as to shew that each is a surety by a distinct and separate transaction, and that it is not in fact the same transaction split into different parts, one of the sureties, who has executed his security, is bound, although another of the intended sureties may not have executed his; and the Court will not interfere to restrain the obligor from proceeding on that one of the separate securities which has been executed. (*Coope v. Tyeonam*, Turn. & R. 426).

In *Jervis v. White and Hodgson v. Murray* (supra) the jurisdiction of the Court was called in question.

On this point, viz. the jurisdiction of equity to interfere against instruments which cannot be proceeded upon at law, there is this distinction to be observed—where the illegality appears by the instrument itself, and where it depends on evidence dehors the instrument. (See on this *Colman v. Sarrel*, 1 Ves. sen. 50; see p. 51; *Franco v. Bolton*, 3 Ves. 368; *Ryan v. Mackmath*, 3 Bro. C. C. 15; *Thrale v. Ross*, Id. 57; *Minshaw v. Jordan*, Id. 16, note †; and *Lisle v. Liddle*, 3 Anst. 649).

It is now well settled by a great preponderance of modern authorities, that where the illegality of an instrument does not appear by the instrument itself, but depends on evidence dehors, equity will interfere by injunction, and, if necessary, by ordering the instrument to be delivered up to be cancelled. (*Byne v. Vivian*, 5 Ves. 604; *Byne v. Potter*, Id. 609; *Bromley v. Holland*, Id. 610; 7 Ves. 3; and see pp. 16 to 22. See also *Hayward v. Dimdale*, 17 Ves. 111, and the observations of Sir J. Leach, M. R., in *Grover v. Hugell*, 3 Russ. 432; *Jones v. Lane*, 3 Y. & C. 281).

But that equity will not interfere, where the illegality appears on the face of the instrument, was decided in *Gray v. Mathias*, (5 Ves. 286), by the whole Court of Exchequer, on a bond appearing on the face of it to have been given pro turpi causa; and the rule has since been confirmed, on great consideration, by Lord Cottenham, C., in a case in which all the authorities were most elaborately analysed by his Lordship. (*Simpson v. Lord Howden*, 3 My. & C. 97; and see also *Jones v. Lane*, 3 Y. & C. 294).

But it is necessary, in order to justify the interference of equity, that two incidents should co-exist—wrongful possession of the instrument, and the resting of the defence at law on circumstances the proof of which is dehors the instrument, and liable to be lost. (*Jones v. Lane*, 3 Y. & C. 281; *Colombies or Columbiar v. Slim*, cited by the Court in *Jones v. Lane*, Id. 284).

The Court will open a solicitor's bill after security given, and even after payment, if the client can point out in the bill gross errors, and charges amounting to imposition and fraud; but if nothing can be made out against the solicitor but a trifling inaccuracy, and no fraud, imposition, or material error is established, proceedings at law, upon a bond given by the client, will not be restrained merely because business was still going on when it was given. (*Cook v. Settee*, 1 V. & B. 126).

(To be continued).

## PUBLIC GENERAL STATUTES.

17 &amp; 18 VICTORIA.—SESSION 2.

(Continued from p. 349).

## CAP. LXXIX.

An Act for further regulating the Sale of Beer and other Liquors on the Lord's Day. [7th August, 1854.]

- Sect. 1. *Licensed Victuallers, &c. prohibited from opening Houses for Sale of Beer, &c. during certain Hours of Sunday, &c.*  
 2. *Houses, &c. of public Resort prohibited from being opened for Sale of Liquors, &c. on Sundays, &c.*  
 3. *Power to Constables to enter Houses, &c.*  
 4. *Penalty for Offences against this Act.*

Whereas the provisions in force against the sale of fermented and distilled liquors on the morning of the Lord's Day have been found to be attended with great benefits, and it is important to extend such provisions: be it enacted &c. as follows:—

Sect. 1. That it shall not be lawful for any licensed victualler or person licensed to sell beer by retail to be drunk on the premises or not to be drunk on the premises, or any person licensed or authorised to sell any fermented or distilled liquor, or any person who by reason of the freedom of the mystery or craft of vintners of the city of London, or of any right or privilege, shall claim to be entitled to sell wine by retail to be drunk or consumed on the premises, in any part of England or Wales, to open or keep open his house for the sale of or to sell beer, wines, spirits, or any other fermented or distilled liquor, between half-past two o'clock and six o'clock, or after ten o'clock in the afternoon, on Sunday, or on Christmas-day, or Good Friday, or any day appointed for a public fast or thanksgiving, or before four o'clock in the morning of the day following such Sunday, Christmas-day, or Good Friday, or such days of public fast and thanksgiving, except as refreshments to a bona fide traveller or a lodger therein.

2. That no person shall open any house or place of public resort for the sale of fermented or distilled liquors, or sell therein such liquors, in any part of England or Wales, between half-past two o'clock and six o'clock, or after ten o'clock in the afternoon, on Sunday, or on Christmas-day, or Good Friday, or any day appointed for a public fast or thanksgiving, or before four o'clock in the morning of the day following such Sundays, Christmas-day, or Good Friday, or such days of public fast and thanksgiving, except as refreshment for travellers.

3. That it shall be lawful for any constable at any time to enter into any house or place of public resort for the sale of beer, wine, spirits, or other fermented or distilled liquor or liquors; and every person who shall refuse to admit or shall not admit such constable into such house or place shall be deemed guilty of an offence against this act.

4. That every person who shall offend against this act shall be liable, upon a summary conviction for the same before any justice of the peace for the county, riding, division, liberty, city, borough, or place where the offence shall be committed, to a penalty not exceeding 5*l.* for every such offence, and every separate sale shall be deemed a separate offence.

## CAP. LXXX.

An Act to provide for the better Registration of Births, Deaths, and Marriages in Scotland. [7th August, 1854.]

## CAP. LXXXI.

An Act to make further Provision for the good Government and Extension of the University of Oxford, of the Colleges therein, and of the College of St. Mary, Winchester. [7th August, 1854.]

## CAP. LXXXII.

An Act further to improve the Administration of Justice in the Court of Chancery of the County Palatine of Lancaster. [7th August, 1854.]

- Sect. 1. *Formation of Court of Appeal in Chancery of the County Palatine.*  
 2. *Powers, &c. of Court of Appeal may be exercised by Lords Justices, &c. Saving Rights of the Chancellor sitting alone.*

3. *Decrees, &c. of the Court of Appeal may be appealed from to the House of Lords.*
4. *Decision of the Majority to be binding, and if Court equally divided, Decree to be affirmed.*
5. *Court of Appeal to make Regulations for Sittings and Business of the Court, and Officers now attendant on the Chancellor in Matters of Appeal to be the Officers of the Court of Appeal.*
6. *Powers given by the recited Act to the Chancellor, with the Advice and Consent of the Vice-Chancellor of the County Palatine and one of the Vice-Chancellors of the High Court of Chancery, to be exercised with the Advice and Consent of the Lords Justices of Appeal in Chancery and the Vice-Chancellor of the County Palatine.*
7. *Court of Appeal may make Orders for the Protection of Wards or other Persons entitled to the Protection of the Court of Chancery of the County Palatine, and for Punishment of Contempt of Court, to have the Effect of Orders of the High Court of Chancery.*
8. *In Cases where Parties are out of the Jurisdiction, Court of Appeal may either direct the Cause or Matter to be transferred to the High Court of Chancery, or Service to be effected out of the Jurisdiction.*
9. *Suits transferred to be proceeded with according to the Practice of the Court of Chancery, &c.*
10. *Provisions of recited Act as to enforcing Decrees, &c. of Court of Chancery to apply to Court of Appeal.*
11. *All the Powers and Authorities of the Trustee Act, 1850, and the 15 & 16 Vict. c. 55, shall extend to Lands and Personal Property in the County Palatine.*
12. *Powers of Court of Chancery to deal with Property of Infants, &c., and in the Administration of Assets, to be exercised by Palatine Court.*
13. *Monies payable under the 13 & 14 Vict. c. 43, s. 12, into Bank of England may be paid into Branch Bank within the County Palatine.*
14. *Provision as to Costs and Appeal.*
15. *Short Titles.*

Whereas an act was passed in the 13 & 14 Vict. [c. 43], intituled "An Act to amend the Practice and Proceedings of the Court of Chancery of the County Palatine of Lancaster:" and whereas according to the present practice the jurisdiction in matters of appeal from the said Court of Chancery is exercised by the Chancellor of the Duchy and County Palatine of Lancaster in the court of the duchy chamber at Westminster, and sitting with two judges of assize for the said county for the time being; and such exercise of the said jurisdiction has been attended with much expense and inconvenience, and it is expedient to provide for the exercise thereof in a more convenient manner, and also to make further provision for the administration of justice in the said court of the county palatine: be it therefore enacted &c. as follows:—

**SECT. 1.** The Chancellor of the Duchy and County Palatine of Lancaster and the two Lords Justices of the Court of Appeal in Chancery shall form the Court of Appeal in Chancery of the said county palatine.

2. All the jurisdiction, powers, and authorities of the court of appeal may be exercised either by one only of the said Lords Justices and the Chancellor of the said duchy and county palatine sitting together as such court of appeal, or by both of the said Lords Justices sitting as such court apart from the Chancellor of the said duchy and county palatine: provided always, that the Chancellor of the said duchy and county palatine may, while sitting alone or apart from the said Lords Justices, have and exercise the like jurisdictions, powers, and authorities as might have been exercised by the Chancellor of the said duchy and county palatine sitting alone if this act had not been passed.

3. All decisions, decrees, or orders of the court of appeal shall be subject to appeal to the House of Lords in the cases and under the conditions in and under which the like decisions and decrees or orders of the Chancellor of the said duchy and county palatine sitting alone, or together with any other person or persons, would have been subject to such appeal if this act had not been passed.

4. The decision of the majority of the court of appeal shall be taken and deemed to be the decision of the said court; and if the judges of the court be equally divided in opinion on any cause or matter brought before the court by way of appeal, the decree or order appealed from shall be taken and deemed to be affirmed.

5. The court of appeal shall make such regulations as may from time to time be necessary for fixing and regulating the sittings and business of the court; and the registrar and other officers who, according to the existing practice, are attendant upon the Chancellor of the said duchy and county palatine in matters of appeal in his Chancery shall be the registrar and officers of the court of appeal, and shall be in like manner attendant upon the said court of appeal: provided always, that any order of the said court of appeal may and shall be drawn up by any registrar of the High Court of Chancery, if so directed by the said Lords Justices or either of them.

6. Whereas it was enacted by the 1st section of the said recited act that it should be lawful, from and after the passing of the said act, for the Chancellor of the Duchy and County Palatine of Lancaster for the time being, with the advice and consent of the Vice-Chancellor of the said county palatine for the time being, and one of the Vice-Chancellors of the High Court of Chancery, to be named for that purpose by writing under the hand of the Lord High Chancellor or other officer having the custody of the Great Seal, or (if more than one) of the chief commissioner or officer having such custody, by any rules or orders to be by him from time to time made, with such advice and consent as aforesaid, to make such alterations as to him might seem expedient in the form of writs and commissions, and the mode of sealing, issuing, executing, and returning the same; and also in the form of and mode of filing bills, answers, depositions, affidavits, or other proceedings; and in the form or mode of obtaining discovery by answer in writing or otherwise; and in the form or mode of pleading and of taking evidence; and generally of proceeding to obtain relief in the Court of Chancery of the said county palatine, and in the general practice of the said court; and also in the form and mode of proceeding before the registrar of the said court; and of drawing up, entering, and inrolling orders and decrees, and of making and delivering copies of pleadings and other proceedings; and also to regulate the taxation, allowance, and payment of costs, and all other the business of the said court: be it enacted, that all the powers thereby given to the Chancellor of the said Duchy and County Palatine of Lancaster shall not, from and after the passing of this act, be exercised with such advice and assistance as aforesaid, but shall be exercised with the advice and consent of one of the Lords Justices of Appeal in Chancery for the time being and the Vice-Chancellor of the said county palatine for the time being.

7. In all cases in which, by reason of any person being out of the jurisdiction of the Court of Chancery of the said county palatine, or otherwise, effectual protection cannot be given to any ward of the said court, or to any executor, administrator, officer of the court, or other person entitled to the protection of the said court, against any action, suit, or other proceeding, or in which, for the same reason or otherwise, any contempt of the said court cannot be effectually punished, it shall be lawful for the court of appeal, upon the application of any person concerned, to make such order or orders for the protection of such ward, or of such executor, administrator, officer of the court, or other person as aforesaid, or for the punishment of any such contempt, as to the said court of appeal shall seem just, and according to the practice of the High Court of Chancery in like matters; and every such order shall have the same operation and effect as an order of the High Court of Chancery, and shall and may be enforced, and all proceedings shall and may be had thereupon, as if the same had been made by that court.

8. In all cases in which any person who may be a necessary or proper party to any suit or other matter in the Court of Chancery of the said county palatine shall not be subject to the jurisdiction of the said court, it shall be lawful for the court of appeal, on the application of the plaintiff in such suit, or of any person to whom the conduct of such suit may have been committed, or of the party proceeding in such other matter, if that court shall think fit, and according as it shall appear to that court best calculated to answer the ends of justice, either to order and direct that the said suit or other

matter be transferred to the High Court of Chancery, or otherwise to order and direct that such service as may be proper be effected upon such person out of the jurisdiction of the said court of the said county palatine, and such application shall be made either *ex parte*, or upon such notice as the said court of appeal shall think fit: provided nevertheless, that if such order for service shall have been made without notice to any person affected thereby, it shall be lawful for the court of appeal, upon the subsequent application of any such person, to make such order for transferring the said suit or other matter to the High Court of Chancery, or otherwise, as to the said court of appeal shall seem just.

9. In case such suit or matter shall be directed to be transferred as aforesaid, all proceedings therein shall be transmitted by the officer of the court of the said county palatine to the proper officer of the High Court of Chancery to be filed, and the same shall thereafter be proceeded with according to the practice of that court; and in case service shall be directed as aforesaid, the same shall be of such and the same force and effect, and such and the same proceedings may be had thereupon, as if service had been duly effected within the jurisdiction of the said court of the said county palatine.

10. The provisions in the said recited act contained for enforcing decrees and orders made by the Court of Chancery of the said county palatine, by making them decrees or orders of the High Court of Chancery, shall extend and apply to decrees or orders made by the court of appeal.

11. And whereas by the 21st section of the Trustee Act, 1850, it was enacted, that as to any lands situated within the county palatine of Lancaster, it should be lawful for the Court of Chancery in the county palatine of Lancaster to make a like order in the same cases as to any lands within the jurisdiction of the same court as the Court of Chancery has, under the provisions thereinbefore contained, been enabled to make concerning any lands, and that every such order of the Court of Chancery in the county palatine of Lancaster should, as to such lands, have the same effect as an order of the Court of Chancery: provided always, that no person who is anywhere within the limits of the jurisdiction of the High Court of Chancery should be deemed by such local court to be an absent trustee or mortgagee within the meaning of that act: and whereas by an act of the 15 & 16 Vict. c. 55, the provisions of the Trustee Act, 1850, were in some respects amended, and further and other provisions made: and whereas several provisions of the said Trustee Act, 1850, subsequent to the 21st section, and the provisions of the said act of the 15 & 16 Vict. c. 55, are applicable and ought to be applied to persons and property within the jurisdiction of the said Court of Chancery of the county palatine of Lancaster: and whereas by the 11th section of the said act of the 13 & 14 Vict. c. 43, it was enacted, that when, under and by virtue of any act of Parliament made and passed or which might thereafter be made and passed, or by any orders or regulations made in pursuance thereof, application is authorised or allowed to be made by petition or motion, or otherwise, to the High Court of Chancery, or any judge of the said court, and summary jurisdiction to be exercised thereon, (unless in any act of Parliament to be thereafter passed the contrary should be expressly enacted), it should be lawful for the Court of Chancery of the said county palatine, so far only as regards all persons and property within its jurisdiction, to exercise the like summary jurisdiction, and in the same manner and subject to the same restrictions in all respects, as the said High Court of Chancery or any judge thereof might exercise in the like matters: but whereas doubts are entertained as to the extent of the jurisdiction of the said Court of Chancery of the said county palatine with respect to trust estates within the said county palatine, so far as relates to the provisions of the said Trustee Act of 1850 subsequent to the 21st section, and to the provisions of the said act of the 15 & 16 Vict. c. 55: be it enacted, that all the powers and authorities given by the said Trustee Act of 1850, and by the said act of the 15 & 16 Vict. c. 55, to the Court of Chancery in England, and all the provisions therein contained, shall and may be exercised in like manner, and are hereby given and extended to the said Court of Chancery of the said county palatine, with respect to all lands and personal estate within the said county palatine: provided always, that no person who is anywhere within the limits of the jurisdiction of the High Court of Chancery shall be deemed by the Court of Chancery of the said county palatine to be an absent trustee or mortgagee within the meaning of the said acts.

12. When, under or by virtue of any act of Parliament already made and passed or which may hereafter be made and passed, power and jurisdiction are or shall be given to the High Court of Chancery to manage, dispose of, or deal with the property of infants or other persons under disability, or to manage, dispose of, or deal with property in the administration of assets, then and in every such case (unless in any act the contrary be expressly enacted) it shall be lawful for the Court of Chancery of the said county palatine, so far only as regards all persons and property within its jurisdiction, to exercise the like power and jurisdiction in the same manner and subject to the same restrictions in all respects as the said High Court of Chancery might exercise in the like matters.

13. And whereas by the 12th section of the said act of the 13 & 14 Vict. c. 43, it was enacted, that all monies payable in respect of lands situate within the said county palatine, and which are authorised to be paid into or deposited in the Bank of England to the account of the Accountant-General of the High Court of Chancery under and by virtue of the Lands Clauses Consolidation Act, 1845, or any local or special act passed or to be passed incorporating the provisions of the said last-mentioned act, or otherwise authorising the taking or using of land situated in the said county palatine, and also that all monies and securities held by any party who might be sued in the Court of Chancery of the said county palatine in respect thereof, and which, under and by virtue of an act made and passed in the Parliament held in the 10 & 11 Vict., intitled "An Act for better securing Trust Funds, and for the Relief of Trustees," might be in like manner paid or transferred into or deposited in the Bank of England to the account of the said Accountant-General, might, from and after the passing of the said act now in recital, be in like manner paid or transferred into or deposited in the Bank of England to the joint account of the clerk of the council of the duchy of Lancaster and of the registrar and comptroller of the said county palatine court, in the matter in respect whereof such payment, transfer, or deposit should be made, and that the receipt of one of the cashiers of the said bank should be a full discharge to the person paying or transferring or depositing the same, and that such monies and securities, and all costs of application in respect thereof, should be dealt with by the said Court of Chancery of the county palatine in the same manner as the same might be dealt with by the High Court of Chancery, or by the Lord High Chancellor or any of the judges of the said high court, if such monies or securities had been paid or transferred into or deposited in the Bank of England to the credit of the Accountant-General of that court, and the lands in respect of which such payment, transfer, or deposit should be made might be dealt with in the same manner as if it had been made in manner prescribed by the Lands Clauses Consolidation Act: and whereas since the passing of the said recited act the said county palatine has been divided into districts, and registrars and comptrollers have been appointed for such districts respectively: be it enacted, that any monies and securities to be paid or transferred or deposited under the said recited provision may be so paid or transferred into or deposited with some one or other of the branches of the Bank of England within the said county palatine, to the joint account of the clerk of the council of the duchy of Lancaster and the registrar and comptroller of the district within which such branch bank is so situate, and the receipt of the manager, or agent, or cashier of such branch bank shall be a full discharge to the person paying or transferring or depositing the same, and such payment, transfer, or deposit shall have the same force and effect as any payment, transfer, or deposit made under the said recited provision would have had: provided always, that no monies shall be so paid or deposited under or by virtue of the Lands Clauses Consolidation Act, 1845, or any local or special act as aforesaid, in case the party who would have been entitled to the rents and profits of the lands in respect of which such monies shall be payable, or his or her guardian or committee in case of infancy or lunacy, shall at any time before such payment or deposit serve or cause to be served a notice in writing at the office of the company taking the lands, requesting them not to make the payment or deposit.

14. In all proceedings under and by virtue of this act the said Court of Chancery of the county palatine and the Court of Appeal hereby constituted respectively shall have full jurisdiction to deal with the costs thereof and occasioned thereby,

and all orders made by the said courts respectively, in pursuance of this act, shall be subject to appeal in the same manner in all respects as any other orders of the said Court of Chancery of the said county palatine.

15. Whenever it shall be necessary to cite or refer to the said first-recited act or this act, it shall be sufficient to cite or refer to the same respectively as "The Court of Chancery of Lancaster Act, 1850," and as "The Court of Chancery of Lancaster Act, 1854."

## CAP. LXXXIII.

An Act to amend the Laws relating to the Stamp Duties.

[9th August, 1854.]

- Sect. 1.** *Stamp Duties on Instruments mentioned in Schedule to this Act, payable under other Acts, repealed, and the Duties named in the said Schedule granted in Lieu thereof.*
2. *The new Duties by this Act granted to be denominated Stamp Duties, and to be under the Care of Commissioners of Inland Revenue. Powers and Provisions of former Acts to be in force.*
3. *Duties on Bills drawn out of the United Kingdom to be denoted by adhesive Stamps.*
4. *Bills purporting to be drawn abroad deemed for the Purposes of this Act to be so drawn.*
5. *The Holder of a Bill drawn out of the United Kingdom to affix an adhesive Stamp thereon before negotiating it. Penalty for negotiating such Bill without a Stamp affixed, or neglecting to cancel such Stamp.*
6. *Penalty for drawing and issuing, or transferring or negotiating, Bills purporting to be drawn in a Set, and not drawing the whole Number of the Set. Penalty on taking or receiving such Bills.*
7. *Unstamped Drafts on Bankers not to be circulated beyond fifteen Miles of the Place where made payable. Penalty on Persons offending.*
8. *Drafts lawfully issued unstamped may, by affixing thereto an adhesive Stamp, be negotiated beyond the Distance of fifteen Miles.*
9. *Provisions of the 17 Geo. 3, c. 30, as extends to Drafts on Bankers, repealed.*
10. *Adhesive Stamps denoting the Duty of one Penny may be used for Receipts or Drafts, without regard to their special Appropriation.*
11. *What shall be deemed Bank Notes within the Meanings of the 7 & 8 Vict. c. 32, and the 8 & 9 Vict. cc. 38, 37.*
12. *All Bills, Drafts, and Notes deemed Bank Notes under the above-recited Acts, liable to Stamp Duties, &c.*
13. *Exemption from Receipt Stamp Duty of Letters acknowledging Receipt of Bills, &c. repealed.*
14. *Receipts for Money paid to the Crown exempted from Stamp Duty.*
15. *Relief to Persons who have made Duplicates of Conveyances described in the 16 & 17 Vict. c. 63.*
16. *Deeds made for several valuable Considerations to be chargeable in respect of each.*
17. *Commissioners of Inland Revenue, before assessing the Duty upon any Deed, may require Proof that the Facts upon which the Duty depends are truly stated.*
18. *The Affidavit not to be used for any other Purpose.*
19. *Indemnity from Penalties for omitting to state the full Purchase Money in Assignments on the Sale of Goodwill.*
20. *Stamp Duty on Licences to Pawnbrokers in Dublin reduced.*
21. *Contracts to serve as Artificers, Servants, &c. in the Colonies exempted from Stamp Duty.*
22. *Public Maps and Documents not to be liable to Stamp Duty by reason of their being referred to in Deeds or Writings.*
23. *Leases for a Period less than a Year to be chargeable with Stamp Duty on the Rent reserved.*
24. *Allowance on the Purchase of Stamps not exceeding the Rate of 1s. Duty for Drafts, Bills, and Notes.*
25. *No Charge to be made for Paper on Sale of Bill or Note Stamps where the Rate of Duty does not exceed 1s.*

26. *Allowance for Stamps rendered useless by this Act.*  
 27. *Instruments admissible in Evidence, though not properly stamped.*

Whereas it is expedient to repeal the stamp duties now payable in respect of the several instruments, matters, and things mentioned or described in the schedule to this act annexed, and to impose other stamp duties in lieu thereof, and otherwise to amend the laws relating to stamp duties: be it therefore enacted &c. as follows:—

**Sect. 1.** From and after the 10th day of October, 1854, the stamp duties now payable in Great Britain and Ireland respectively, under or by virtue of any act or acts of Parliament for or in respect of the several instruments, matters, and things mentioned or described in the schedule to this act annexed, and whereon other duties are by this act granted, shall respectively cease and determine, and shall be and the same are hereby repealed; and in lieu thereof there shall be granted, charged, and paid in and throughout the United Kingdom of Great Britain and Ireland, unto and for the use of her Majesty, her heirs and successors, upon and in respect of the several instruments, matters, and things described or mentioned in the said schedule, or upon or in respect of the vellum, parchment, or paper upon which any of them respectively shall be written, the several duties or sums of money specified and set forth in the said schedule, which said schedule, and the several provisions, regulations, and directions therein contained, shall be deemed and taken to be part of this act, and shall be applied, observed, and put in execution accordingly: provided always, that nothing herein contained shall extend to repeal or alter any of the said stamp duties now payable in relation to any bill of exchange, promissory note, or other instrument which shall have been drawn, made, or signed, or which shall bear date before or upon the said 10th day of October, 1854.

2. The said duties by this act granted shall be denominated and deemed to be stamp duties, and shall be under the care and management of the Commissioners of Inland Revenue for the time being; and all the powers, provisions, clauses, regulations, directions, allowances, and exemptions, fines, forfeitures, pains, and penalties contained in or imposed by any act or acts, or any schedule thereto, relating to any duties of the same kind or description heretofore payable in Great Britain and Ireland respectively, and in force at the time of the passing of this act, shall respectively be in full force and effect with respect to the duties by this act granted, and to the vellum, parchment, and paper, instruments, matters, and things charged and chargeable therewith, and to the persons liable to the payment of the said duties, so far as the same are or shall be applicable, in all cases not hereby expressly provided for, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said duties hereby granted, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express provisions of this act, as fully and effectually to all intents and purposes as if the same had been herein repeated and specially enacted, *mutatis mutandis*, with reference to the said duties by this act granted.

3. The duties by this act granted in respect of bills of exchange drawn out of the United Kingdom shall attach and be payable upon all such bills as shall be paid, indorsed, transferred, or otherwise negotiated within the United Kingdom, whosoever the same may be payable, and the said duties shall be denoted by adhesive stamps, to be provided by the Commissioners of Inland Revenue for that purpose, and to be affixed to such bills as hereinafter directed.

4. Every bill of exchange which shall purport to be drawn at any place out of the United Kingdom shall, for all the purposes of this act, be deemed to be a foreign bill of exchange drawn out of the United Kingdom, and shall be chargeable with stamp duty accordingly, notwithstanding that in fact the same may have been drawn within the United Kingdom.

5. The holder of any bill of exchange drawn out of the United Kingdom, and not having a proper adhesive stamp affixed thereon as herein directed, shall, before he shall present the same for payment, or indorse, transfer, or in any manner negotiate such bill, affix thereon a proper adhesive stamp for denoting the duty by this act charged on such bill; and the person who shall indorse, transfer, or negotiate such bill shall, before he shall deliver the same out of his hands, custody, or power, cancel the stamp so affixed, by writing thereon his name

or the name of his firm, and the date of the day and year on which he shall so write the same, to the end that such stamp may not be again used for any other purpose; and if any person shall present for payment, or shall pay or indorse, transfer, or negotiate any such bill as aforesaid whereon there shall not be such adhesive stamp as aforesaid duly affixed, or if any person who ought, as directed by this act, to cancel such stamp in manner aforesaid, shall refuse or neglect so to do, such person so offending in any such case shall forfeit the sum of 50*l.*; and no person who shall take or receive from any other person any such bill as aforesaid, either in payment or as a security, or by purchase or otherwise, shall be entitled to recover thereon, or to make the same available for any purpose whatever, unless at the time when he shall so take or receive such bill there shall be such stamp as aforesaid affixed thereon, and cancelled in the manner hereby directed.

6. If any person shall within the United Kingdom draw and issue any bill of exchange payable out of the United Kingdom purporting to be drawn in a set, and shall not draw and issue on paper duly stamped as required by law the whole number of bills which such bill purports the set to consist of, or if any person shall within the United Kingdom transfer or negotiate any such bill of exchange as aforesaid purporting to be drawn in a set, and shall not at the same time transfer or deliver on paper duly stamped as aforesaid the whole number of bills which such bill purports the set to consist of, every such person so offending in any of such cases shall forfeit the sum of 100*l.*; and if any person shall take or receive in the United Kingdom any such bill as aforesaid, either in payment or as a security, or by purchase or otherwise, without having transferred or delivered to him, duly stamped as aforesaid, the whole number of bills which such bill purports the set to consist of, he shall not be entitled to recover on any such bill, or to make the same available for any purpose whatever.

7. And whereas, under and by virtue of certain acts relating to stamp duties, certain drafts or orders for the payment of any sum of money to the bearer on demand, drawn upon any banker or person acting as a banker residing or transacting the business of a banker within fifteen miles of the place where such drafts or orders are issued, are exempted from all stamp duty, and it is expedient to prevent the negotiating or circulating of such drafts or orders unstamped at any place beyond the distance of fifteen miles from the place where the same are made payable: be it enacted, that no such draft or order as aforesaid shall, unless the same be duly stamped as a draft or order, be remitted or sent to any place beyond the distance of fifteen miles in a direct line from the bank or place at which the same is made payable or be received in payment, or as a security, or be otherwise negotiated or circulated at any place beyond the said distance; and if any person shall remit or send any draft or order not duly stamped as aforesaid to any place beyond the distance aforesaid, or shall receive the same in payment or as a security, or in any manner negotiate or circulate the same at any such last-mentioned place, he shall forfeit the sum of 50*l.*

8. Provided always, that it shall be lawful for any person who shall receive any such draft or order as aforesaid at any place within the said distance of fifteen miles from the bank or place at which the same is made payable, which draft or order shall have been lawfully issued unstamped, to affix thereto a proper adhesive stamp, and to cancel such stamp by writing thereon his name or the initial letters of his name, and thereupon such draft or order may lawfully be received and negotiated at any place beyond the distance aforesaid, anything herein contained notwithstanding.

9. And whereas an act was passed in the 17 Geo. 3, c. 30, for restraining the negotiation of promissory notes and inland bills of exchange under a limited sum: be it enacted, that the said act, and any act or acts continuing or perpetuating the same, shall, so far as they respectively extend, or may be deemed or construed to extend, to any draft on a banker for payment of money held for the use of the drawer, be and the same are hereby repealed.

10. The adhesive stamps provided by the Commissioners of Inland Revenue for denoting the duty of 1*d.* payable on receipts and on drafts or orders for the payment of money to the bearer or to order on demand respectively may lawfully be used for the purpose of denoting the like amount of duty either on a receipt or on such draft or order as aforesaid, without regard to the special appropriation thereof for the other of such instruments by having its name on the face thereof, anything in any act or acts contained to the contrary notwithstanding.

11. And whereas an act was passed in the 7 & 8 Vict. c. 32, to regulate the issue of bank notes; and an act was passed in the 8 & 9 Vict. c. 38, to regulate the issue of bank notes in Scotland; and another act was passed in the last-mentioned years, c. 37, to regulate the issue of bank notes in Ireland; and in order to prevent evasions of the regulations and provisions of the said respective acts, it is expedient to define what shall be deemed to be bank notes within the meaning thereof respectively: be it enacted, that all bills, drafts, or notes (other than notes of the Bank of England) which shall be issued by any banker or the agent of any banker for the payment of money to the bearer on demand, and all bills, drafts, or notes so issued which shall entitle or be intended to entitle the bearer or holder thereof, without indorsement, or without any further or other indorsement than may be thereon at the time of the issuing thereof, to the payment of any sum of money on demand, whether the same shall be so expressed or not, in whatever form and by whomsoever such bills, drafts, or notes shall be drawn or made, shall be deemed to be bank notes of the banker by whom or by whose agent the same shall be issued within the meaning of the said three several acts last mentioned, and within all the clauses, provisions, and regulations thereof respectively.

12. All bills, drafts, and notes which by or under this act, or the said three several acts last mentioned, or any of them respectively, are declared or deemed to be bank notes, shall be subject and liable to the stamp duties, and composition for stamp duties, imposed by or payable under any act or acts in force upon or in respect of promissory notes for the payment of money to the bearer on demand; and all clauses, provisions, regulations, penalties, and forfeitures contained in any act or acts relating to the issuing of such promissory notes, or for securing the said stamp duties and composition respectively, or for preventing or punishing frauds or evasions in relation thereto, shall respectively be deemed to apply to all such bills, drafts, and notes as aforesaid, and to the stamp duties and composition payable upon or in respect thereof, anything in this act, or any other act or acts, to the contrary notwithstanding.

13. And whereas, under and by virtue of certain acts relating to stamp duties, letters by the general post, acknowledging the safe arrival of any bills of exchange, promissory notes, or other securities for money, are exempted from the stamp duty granted and imposed on receipts or discharges given for or upon the payment of money: be it enacted, that the said exemption shall be and the same is hereby repealed.

14. And whereas, under and by virtue of the laws in force, the stamp duty on receipts given for or upon the payment of money to or for the use of her Majesty, her heirs or successors, is made payable by the person requiring any such receipt: be it enacted, that all such receipts as last mentioned shall be and the same are hereby exempted from stamp duty.

15. And whereas, by an act passed in the 13 & 14 Vict. c. 97, certain reduced rates of stamp duty were granted and made payable under the head or title of "Duplicate or Counterpart" in the schedule thereto annexed: and whereas, by an act passed in the last session of Parliament, c. 63, certain stamp duties were granted and made payable upon conveyances, charters, dispositions, and contracts described under the head or title of "Conveyance" in the schedule to the said last-mentioned act, but no provision is made for charging the duplicates or counterparts of the said conveyances, charters, dispositions, and contracts with the said reduced duties, and it is expedient to give such relief in that respect as hereinafter mentioned: be it enacted, that it shall be lawful for the Commissioners of Inland Revenue, and they are hereby required, upon production to them of any such conveyance, charter, disposition, or contract duly stamped, and of the duplicate or counterpart thereof stamped for denoting the amount of duty chargeable upon a duplicate or counterpart under the said act of the 13 & 14 Vict., to stamp the said duplicate or counterpart with the particular stamp directed by the said last-mentioned act to be impressed upon a duplicate or counterpart for denoting or testifying the payment of the full and proper stamp duty on the original deed or instrument; and if the said duplicate or counterpart shall be stamped with any *ad valorem* stamp duty of greater amount than the amount of stamp duty so chargeable as aforesaid on a duplicate or counterpart, the said commissioners shall allow and repay such excess of stamp duty, and rectify the stamps accordingly, and thereupon such duplicate or counterpart shall be deemed to be duly stamped.

16. And where any conveyance, charter, disposition, or contract described in the schedule to this act, shall be made partly in consideration of such annual sum as in the said schedule is mentioned, and partly in consideration of a sum of money or stock as mentioned under the head or title of "Conveyance" in the schedule to the said act of the 13 & 14 Vict. [c. 97], such conveyance, charter, disposition, or contract shall be chargeable with the ad valorem stamp duties granted by the said acts respectively in respect of each of the said considerations; and in any case where any deed or instrument which shall be chargeable with any ad valorem stamp duty in respect of any sum of money, yearly or in gross, or any stock or security therein mentioned, shall be made also for any further or other valuable consideration, such deed or instrument shall be chargeable (except where express provision to the contrary is or shall be made in any act of Parliament) with such further stamp duty as any separate deed or instrument made for such last-mentioned consideration alone would be chargeable with, except progressive duty.

17. And to prevent fraud and evasion of stamp duty in any case where application is made to the Commissioners of Inland Revenue to assess and charge the stamp duty to which any deed or instrument is liable, or to impress on any deed or instrument the particular stamp provided to denote the payment of the full and proper duty on the same, or on any other deed or instrument, or that any deed or instrument is not liable to any stamp duty, it shall be lawful for the said commissioners to require such evidence by affidavit as they may deem necessary, in order to shew to their satisfaction the quantity of words contained in any such deed or instrument, and whether or not the consideration, or any definite or certain sum or sums of money, stock, or other valuable matter or thing capable of being ascertained and set forth, or any other facts, upon the full or proper statement of any of which matters and things in such deed or instrument the stamp duty which shall be or which ought to be payable thereon shall in any measure depend, is or are truly and fully set forth therein; and it shall be lawful for the said commissioners and their officers in any case to refuse to impress on any such deed or instrument, or any duplicate or counterpart respectively, the particular stamp to denote the payment of the full and proper duty as aforesaid, except on payment of the full stamp duty which would be chargeable on such deed or instrument, if all or any of such matters and things aforesaid had been truly set forth therein.

18. Provided, that no such affidavit shall be used against any person making the same in any proceeding whatever, except only in any inquiry as to the stamp duty with which such deed or instrument is chargeable, and every such person shall, upon payment of such full stamp duty as aforesaid, be relieved from any penalty, forfeiture, or disability he may have incurred by reason of the omission to state truly in such deed or instrument any of the facts, matters, and things aforesaid.

19. Whereas, by an act passed in the 48 Geo. 3, c. 149, certain penalties and disabilities were imposed upon the parties to any deed or instrument of conveyance of property upon sale, wherein the full purchase or consideration money directly or indirectly paid or secured or agreed to be paid should not be truly expressed and set forth, and also upon the attorney, solicitor, writer to the signet, or other person employed in or about the preparing of any such deed or instrument: and whereas the sale of a trade or business, or the goodwill thereof, has been erroneously considered by some persons not to be a sale of property within the meaning of the acts imposing ad valorem stamp duties on the conveyance thereof, and the instruments whereby property of that description, or whereby certain messages, lands, or other property wherein or whereupon such trade or business has been carried on, has or have been in such cases assigned, transferred, or otherwise conveyed to or become vested in a purchaser, may not have been stamped with the full and proper duties with which the same were by law chargeable, and in some instances the purchase or consideration money has been omitted to be fully and truly expressed and set forth as required by law in such instruments, by reason whereof the parties to such instruments, and the attorney, solicitor, writer to the signet, or other person employed in or about the preparing of the same, may have incurred the penalties, forfeitures, and disabilities in that behalf mentioned in and imposed by the said act of the 48 Geo. 3, [c. 149], and it is expedient that they should be relieved therefrom, and that such instruments should be rendered available in evidence: be it enacted, that in any such case as aforesaid the parties to any

such instrument made and bearing date on or before the 15th June, 1854, and every person employed in or about the preparing of the same, shall be and they are hereby declared to be respectively freed, discharged, and indemnified from and against any penalties, forfeitures, and disabilities contained in or imposed by the said last-mentioned act which may have been incurred by reason of any omission to express or set forth in any such instrument the full and true purchase or consideration money upon the sale of the property thereby conveyed, transferred, assigned, or assured, or vested in the purchaser; and all such instruments shall be available in evidence notwithstanding the full and proper ad valorem duties which ought to have been paid in respect of the purchase or consideration money therein expressed for the conveyance, transfer, or assignment of any such trade, business, or goodwill, shall not have been paid and denoted thereon.

20. And whereas it is expedient to reduce the stamp duty now payable on licenses to pawnbrokers in Dublin: be it enacted, that the stamp duty of 15*l.* now payable on a license to be taken out yearly for exercising the trade or business of a pawnbroker within the city of Dublin, or the Circular Road surrounding the same, shall be reduced to the sum of 7*l.* 10*s.*

21. All indentures of apprenticeship, bonds, contracts, and agreements entered into in the United Kingdom for or relating to the service in any of her Majesty's colonies or possessions abroad of any person as an artificer, clerk, domestic servant, handicraftsman, mechanic, gardener, servant in husbandry, or labourer, shall be and the same are hereby exempted from all stamp duty.

22. And whereas, by an act passed in the 55 Geo. 3, c. 184, and by the said act of the 13 & 14 Vict., respectively, certain stamp duties were imposed upon any schedule, inventory, or catalogue containing the matters and things in the said acts respectively mentioned, which should be referred to in or by, and be intended to be used or given in evidence as part of or as material to any instrument charged with stamp duty, but which should be separate and distinct therefrom, and not indorsed on or annexed thereto, and doubts are entertained whether the said duties extend to certain documents and writings of a public character hereinafter mentioned: for the removal of such doubts, be it declared and enacted, that the said last-mentioned stamp duties shall not extend or be deemed to have extended to any public map, plan, survey, apportionment, allotment, award, or other parochial or public document or writing whatsoever made under or in pursuance of any act of Parliament, and deposited or kept for reference in any registry, or in any public office, or with the public books, papers, or writings of any parish, by reason of any such document or writing as aforesaid being referred to in or by any deed or instrument whatever, provided that such document or writing be not indorsed on or annexed to such deed or instrument.

23. And whereas by the said act of the 13 & 14 Vict. [c. 97] and this act respectively certain ad valorem stamp duties are granted and imposed upon leases or tacks of any lands, tenements, hereditaments, or heritable subjects at a yearly rent, and doubts are entertained whether the said duties extend to any lease or tack for any term or period less than a year: for the removal of such doubts, be it enacted, that where any lease or tack of any lands, tenements, hereditaments, or heritable subjects shall be made for any term or period less than a year, at a rent reserved or payable for the same, such lease or tack shall be chargeable with the same ad valorem duty as a lease or tack at a yearly rent of the same amount as the sum so reserved or payable.

24. And in order to encourage the purchase of stamps for drafts, bills, and notes of the several rates and denominations hereinafter mentioned, and to facilitate the distribution and supply thereof, there shall be granted and allowed to every person who at one and the same time shall produce at the office of the Commissioners of Inland Revenue in London or Dublin, paper, to be stamped with such stamps or any of them to the amount of 5*l.* in the whole, or shall purchase such stamps or any of them to the like amount at the office of the said commissioners in London, Edinburgh, or Dublin, or of any distributor or sub-distributor of stamps at any place not within the distance of ten miles from the said offices respectively, the allowance following; that is to say, on stamps for denoting any rate of duty not exceeding 1*s.* on bills of exchange, drafts or orders, or promissory notes, an allowance after the rate of 3*l.* 10*s.* per centum on the amount of such

stamp duties respectively; provided that no allowance shall be made on any fraction of a pound; which said allowances are in lieu of any allowance payable on stamps of the like rates and denominations under any other act or acts in force.

25. And in consideration that such allowance as aforesaid is by this act granted on the purchase of stamps of the several rates and denominations aforesaid, it shall not be lawful for any person on the sale of any such stamp to make any charge for the paper whereon the same is impressed; and if any person upon the sale of any stamp denoting any rate of duty not exceeding 1s. for any bill of exchange, draft or order, or promissory note, shall make any charge for the paper whereon the same is impressed, or under any colour or pretence whatever demand or receive a greater price or sum than the amount of the stamp duty, he shall forfeit the sum of 10*l*.

26. Where any person shall be possessed of any stamps rendered useless by this act, it shall be lawful for the Commissioners of Inland Revenue, on application to them or to their proper officer in that behalf, at any time on or before the 5th day of April, 1855, to cancel and make allowance for the same as in the case of spoiled stamps, after deducting the discount granted and allowed by law on the purchase of stamps of the like description.

27. Every instrument liable to stamp duty shall be admitted in evidence in any criminal proceeding, although it may not have the stamp required by law impressed thereon or affixed thereto.

#### THE SCHEDULE TO WHICH THIS ACT REFERS.

INLAND BILL OF EXCHANGE, draft, or order for the payment to the bearer, or to order, at any time otherwise than on demand, of any sum of money

		Duty.		
		£	s.	d.
Not exceeding .....	£5 ..	0	0	1
Exceeding £5 and not exceeding	10 ..	0	0	2
" 10 "	25 ..	0	0	3
" 25 "	50 ..	0	0	6
" 50 "	75 ..	0	0	9
" 75 "	100 ..	0	1	0
" 100 "	200 ..	0	2	0
" 200 "	300 ..	0	3	0
" 300 "	400 ..	0	4	0
" 400 "	500 ..	0	5	0
" 500 "	750 ..	0	7	6
" 750 "	1000 ..	0	10	0
" 1000 "	1500 ..	0	15	0
" 1500 "	2000 ..	1	0	0
" 2000 "	3000 ..	1	10	0
" 3000 "	4000 ..	2	0	0
" 4000 and upwards .....		2	5	0

FOREIGN BILL OF EXCHANGE drawn in, but payable out of, the United Kingdom,

If drawn singly, or otherwise than in a set of three or more, the same duty as on an inland bill of the same amount and tenor.

If drawn in sets of three or more, for every bill of each set,

		Duty.		
		£	s.	d.
Where the sum payable thereby shall not exceed .....	£25 ..	0	0	1
Exceeding £25 and not exceeding	50 ..	0	0	2
" 50 "	75 ..	0	0	3
" 75 "	100 ..	0	0	4
" 100 "	200 ..	0	0	8
" 200 "	300 ..	0	1	0
" 300 "	400 ..	0	1	4
" 400 "	500 ..	0	1	8
" 500 "	750 ..	0	2	6
" 750 "	1000 ..	0	3	4
" 1000 "	1500 ..	0	5	0
" 1500 "	2000 ..	0	6	8
" 2000 "	3000 ..	0	10	0
" 3000 "	4000 ..	0	13	4
" 4000 and upwards .....		0	15	0

FOREIGN BILL OF EXCHANGE drawn out of the United Kingdom, and payable within the United Kingdom, the same duty as on an inland bill of the same amount and tenor.

FOREIGN BILL OF EXCHANGE drawn out of the United

Kingdom, and payable out of the United Kingdom, but indorsed or negotiated within the United Kingdom, the same duty as on a foreign bill drawn within the United Kingdom, and payable out of the United Kingdom.

PROMISSORY NOTE for the payment in any other manner than to the bearer on demand of any sum of money

		Duty.		
		£	s.	d.
Not exceeding .....	£5 ..	0	0	1
Exceeding £5 and not exceeding	10 ..	0	0	2
" 10 "	25 ..	0	0	3
" 25 "	50 ..	0	0	6
" 50 "	75 ..	0	0	9
" 75 "	100 ..	0	1	0

PROMISSORY NOTE for the payment, either to the bearer on demand, or in any other manner than to the bearer on demand, of any sum of money

		Duty.		
		£	s.	d.
Exceeding £100 and not exceeding £200 ..		0	2	0
" 200 "	300 ..	0	3	0
" 300 "	400 ..	0	4	0
" 400 "	500 ..	0	5	0
" 500 "	750 ..	0	7	6
" 750 "	1000 ..	0	10	0
" 1000 "	1500 ..	0	15	0
" 1500 "	2000 ..	1	0	0
" 2000 "	3000 ..	1	10	0
" 3000 "	4000 ..	2	0	0
" 4000 and upwards .....		2	5	0

LEASE OR TACK of any lands, tenements, hereditaments, or heritable subjects, for any term of years exceeding thirty-five, at a yearly rent, with or without any sum of money by way of fine, premium, or grassum paid for the same, the following duties in respect of such yearly rent:—

		Duties.		
		If the term shall not exceed 100 years.		If the term shall exceed 100 years.
		£	s.	d.
Where the yearly rent shall not exceed 5 <i>l</i> . .....		0	3	0
And where the same } shall exceed .....	£5 £10 ..	0	6	0
" 10 15 ..		0	9	0
" 15 20 ..		0	12	0
" 20 25 ..		0	15	0
" 25 50 ..		1	10	0
" 50 75 ..		2	5	0
" 75 100 ..		3	0	0
And where the same shall exceed 100 <i>l</i> ., then for every 50 <i>l</i> ., and also for any fractional part of 50 <i>l</i> . .....		1	10	0
				3 0 0

And where any such lease or tack as aforesaid shall be granted in consideration of a fine, premium, or grassum, and also of a yearly rent, such lease or tack shall be chargeable also, in respect of such fine, premium, or grassum, with the ad valorem stamp duties granted under the head or title of "Conveyances" in the schedule annexed to the act passed in the 13 & 14 Vict. c. 97.

#### Exemption.

Any lease made in pursuance of the Trinity College, Dublin, Leasing and Perpetuity Act, 1851.

CONVEYANCE of any kind or description whatsoever in England or Ireland, and charter, disposition, or contract containing the first original constitution of feu and ground annual rights in Scotland, (not being a lease or tack for years), in consideration of an annual sum payable in perpetuity or for any indefinite period, whether fee farm or other rent, feu duty, ground annual, or otherwise

The same duties as on a lease or tack for a term exceeding 100 years, at a yearly rent equal to such annual sum.

#### Exemptions.

Any lease or tack for a life or lives not exceeding three, or for a term of years determinable with a life or lives not exceeding three, by whomsoever granted.



Any grant in fee-simple or in perpetuity, made in Ireland, in pursuance of the Renewable Leasehold Conversion Act, or in pursuance of the Trinity College, Dublin, Leasing and Perpetuity Act, 1851.

All which said leases or tacks and grants respectively shall be chargeable with the stamp duties to which the same were subject and liable before the passing of the act 16 & 17 Vict. c. 63.

*Duplicate or Counterpart and Progressive Duty.*

EVERY SUCH LEASE or tack, and every such conveyance, charter, disposition, or contract as aforesaid hereby charged with duty, and the duplicate or counterpart thereof respectively, shall be chargeable with the respective stamp duties granted and made payable under the several heads or titles of "Duplicate or Counterpart," and "Progressive Duty," in the schedule annexed to the act of the 13 & 14 Vict. c. 97.

**LICENSE TO DEMISE** copyhold lands, tenements, or hereditaments, or the memorandum thereof if granted out of court, and the copy of court roll of any such license if granted in court—

Where the clear yearly value of the estate to be demised shall be expressed in such license, and shall not exceed 75 <i>l</i> . . . . .	The same duty as on a lease at a yearly rent equal to such yearly value, under the act of the 13 & 14 Vict. c. 97.
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And in all other cases . . . . . £0 10 0

(To be continued).

**London Gazettes.**

FRIDAY, SEPTEMBER 29.

**BANKRUPTS.**

**HARRY WOOLDRIDGE**, Strand, Middlesex, publisher and bookseller, Oct. 9 and Nov. 9 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Brundrett & Co., Temple.—Petition filed Sept. 27.

**WILLIAM WHITE**, Peterborough-villas, St. John's-wood, Middlesex, builder, dealer and chapman, Oct. 12 at 11, and Nov. 10 at 1, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Jones, 9, Quality-court, Chancery-lane.—Petition filed Sept. 26.

**CHARLES GOODA**, Great Yarmouth, Norfolk, baker, confectioner, and dealer in flour, Oct. 11 at 1, and Nov. 8 at half-past 2, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Holt & Son, Great Yarmouth; Maples & Co., 6, Frederick's-place, Old Jewry, London.—Petition filed Sept. 23.

**JOHN CHANCELLOR**, Phoenix-place, Dorrington-street, Clerkenwell, Middlesex, and Hyde House, Battersea, Surrey, funeral carriage maker, dealer and chapman, Oct. 12 at half-past 12, and Nov. 14 at half-past 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Marden & Frichard, Christchurch-chambers, Newgate-street.—Petition filed Sept. 28.

**WILLIAM JOHN REEVE**, Beaufort-wharf, Beaufort-buildings, Strand, Middlesex, coal merchant, Oct. 14 and Nov. 14 at 2, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Hillyear & Fenwick, 8, Fenchurch-street, London.—Petition filed Sept. 28.

**JOHN BERINGER**, Penzance, Cornwall, silversmith, watch-maker, general dealer and chapman, Oct. 10 at 10, and Nov. 9 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Rooke & Co., Plymouth; Stogdon, Exeter.—Petition filed Sept. 19.

**PAUL RHODES**, formerly of Bradford, afterwards of Leeds, and now of Menstone, near Otley, Yorkshire, innkeeper, dealer and chapman, Oct. 13 and Nov. 10 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Foster, Bradford; Swithinbank, Leeds.—Petition dated and filed Sept. 19.

**JOHN MILLS**, Leeds, Yorkshire, printer, Oct. 13 and Nov. 9 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Prest, Leeds; Bell, 28, Craven-street, Strand, London.—Petition dated Sept. 18, and filed Sept. 19.

**JOHN BARBER**, Manchester, engraver to calico printers, dealer and chapman, Oct. 16 and Nov. 3 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sols. Barlow & Aston, Manchester.—Petition filed Sept. 27.

**ROBERT GETTY**, Liverpool, shipbuilder, (carrying on business under the style or firm of Getty, Jones, & Co.), Oct. 11 and Nov. 3 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sol. Tyrer, Liverpool.—Petition filed Sept. 6.

**MEETINGS.**

**Ralph Hutchinson**, Monkwearmouth-shore, Durham, shipbuilder, Oct. 17 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—**Robert Mott**, King's Lynn, Norfolk, builder, Oct. 10 at 11, Court of Bankruptcy, London, aud. ac.—**G. W. Merington**, Edgeware-road, Middlesex, draper, Oct. 10 at half-past 11, Court of Bankruptcy, London, aud. ac.—**D. Leblond**, Southwark-bridge-road, Surrey, hat manufacturer, Oct. 10 at 12, Court of Bankruptcy, London, aud. ac.—**Henry Brownell**, Liverpool, merchant, Oct. 12 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—**J. Halsted** and **H. R. Halsted**, Bradford, Yorkshire, woolstaplers, Nov. 7 at 11, District Court of Bankruptcy, Leeds, aud. ac.; at half-past 11, div.—**James Hobson** and **Charles Hobson**, Waltham Abbey, Essex, and Enfield, Middlesex, stonemasons, Oct. 24 at 12, Court of Bankruptcy, London, div.—**F. Key**, Sheffield, Yorkshire, cut-nail manufacturer, Oct. 21 at 12, District Court of Bankruptcy, Sheffield, div.—**John Roberts**, Tividale, near Dudley, Worcestershire, wire drawer, Oct. 23 at half-past 10, District Court of Bankruptcy, Birmingham, div.

**CERTIFICATES.**

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

**Joseph B. Millington**, Marlborough-place, Harrow-road, Paddington, Middlesex, builder, Oct. 24 (and not Oct. 16, as before advertised) at half-past 12, Court of Bankruptcy, London.—**Wm. Holloway**, Watford, Hertfordshire, coal merchant, Oct. 23 at 12, Court of Bankruptcy, London.—**D. M. Maitland**, Finchley, Middlesex, wine merchant, Oct. 23 at 11, Court of Bankruptcy, London.—**Wm. Haining**, Cheltenham, Gloucestershire, grocer, Oct. 24 at 11, District Court of Bankruptcy, Bristol.—**Moseby Nathan**, Liverpool, watch manufacturer, Oct. 23 at 11, District Court of Bankruptcy, Liverpool.—**William Whitehead** and **Mary Ann Whitehead**, Leicester, innkeepers, Oct. 31 at 10, District Court of Bankruptcy, Nottingham.—**Wm. Shaw** and **Henry Shaw**, Mold-green, near Huddersfield, Yorkshire, dyers, Nov. 13 at 11, District Court of Bankruptcy, Leeds.—**H. R. Halsted**, Bradford, Yorkshire, woolstapler, Nov. 7 at 11, District Court of Bankruptcy, Leeds.

To be granted, unless an Appeal be duly entered.

**Richard Thwaites**, Addele-street, London, warehouseman.—**James Swallow**, Maidenhead, Berkshire, corn merchant.—**R. Crichton**, High-street, Newington Butts, Surrey, upholsterer.—**Christopher Spaskeft**, Barking, Essex, blockmaker.—**C. Foot**, Ingram-court, Fenchurch-street, London, wine merchant.—**George Taylor**, Leicester, hosier.

**PARTNERSHIPS DISSOLVED.**

**Henry Parker**, **Thomas James Rooke**, **Henry Parker**, jun., and **W. M. M. Whitehouse**, Bedford-row, Middlesex, attorneys and solicitors, (under the firm of Parker, Rooke, Parker, & Whitehouse), so far as regards the said **W. M. M. Whitehouse**.—**John Guy**, **Joseph J. Reed**, and **H. Harris**, Cannon-row, Westminster, and Hampton Wick, Middlesex, solicitors and attorneys-at-law, (under the firm of Addis, Guy, Reed, & Harris).

**SCOTCH SEQUESTRATIONS.**

**James Cowan**, Glasgow, glass merchant.—**John Aitchison**, Leith, spirit merchant.—**J. & A. Taylor**, Glasgow, contractors.

**INSOLVENT DEBTORS**

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

**Langley Paulson**, Baumber, Lincolnshire, tailor, Oct. 11 at 12, County Court of Lincolnshire, at Horncastle.—**David Thorpe**, Southborough, near Tunbridge Wells, Kent, mason, Oct. 12 at 10, County Court of Kent, at Tunbridge Wells.—**Stephen Search**, Tunbridge Wells, Kent, fly proprietor, Oct. 12 at 10, County Court of Kent, at Tunbridge Wells.—**N. Ball**, Tunbridge Wells, Kent, grocer, Oct. 12 at 10, County Court of Kent, at Tunbridge Wells.—**Clement Stephenson**, Gateshead, Durham, butcher, Oct. 16 at 10, County Court of Durham, at Gateshead.—**John Windsor**, Blaydon Burn, Dur-

ham, assistant flint miller, Oct. 16 at 10, County Court of Durham, at Gateshead.—*Abraham F. Morris*, Bangor, Carnarvonshire, reporter, Oct. 23 at 11, County Court of Carnarvonshire, at Bangor.—*J. Mallinson*, Linthwaite, Almondsbury, Yorkshire, woollen cloth manufacturer, Oct. 12 at 10, County Court of Yorkshire, at Huddersfield.—*James Green*, Whitfield, near Brackley, Northamptonshire, baker, Oct. 24 at 10, County Court of Northamptonshire, at Brackley.—*John Worthington*, Shelbourn, Kingston-upon-Hull, Yorkshire, bailiff of the County Court of Kingston-upon-Hull, Oct. 13 at 10, County Court of Yorkshire, at Kingston-upon-Hull.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Nov. 17 at 10, before the CHIEF COMMISSIONER.*

*A. Moseley*, Church-lane, Limehouse, Middlesex, schoolmaster.—*Jas. Daley*, Bow-street, Covent-garden, Middlesex, out of business.—*Henry Bell*, Woolwich, Kent, hairdresser.—*James Keridge Johnson*, Barclay-st., Somers-town, Middlesex, pianoforte maker.—*John Brown*, Wilmington-square, Clerkenwell, Middlesex, paper-bag maker.—*William Western Prater*, Blackfriars-road, Surrey, gas engineer.

*Dec. 7 at 11, before Mr. Commissioner PHILLIPS.*

*Wm. Dennis*, Brighton-place, North Brixton, Surrey, out of business.—*George Reynolds* the elder, Coleman-street, City, secretary to the Hackney Freehold Land Society.—*Jonathan Skinner*, Francis-street, Waterloo-road, Surrey, out of business.—*Richard S. Campbell*, London-wall, London, coal dealer.—*Henry J. Rolfe*, High-street, Shoreditch, Middlesex, pastry cook.—*Eugene Vignes*, Church-street, Mile-end New-town, Middlesex, tin-plate worker.—*W. Garforth*, Radlet, Aldenham, Hertfordshire, carrier.—*Wm. A. Surth*, Lewisham, Kent, tailor.

*Dec. 13 at 10, before Mr. Commissioner MURPHY.*

*John Hibble*, Prince-street, Union-street, Southwark, Surrey, jobbing bricklayer.—*John Tracy*, Old Fish-street, London, general-shop keeper.—*George W. Dyson*, Southwark-bridge-road, Surrey, in no profession.—*John Joyce*, New Church-st., Lisson-grove, St. Marylebone, Middlesex, tailor.—*John McCall*, Bermondsey-street, Tooley-street, Bermondsey, Southwark, Surrey, boot maker.—*George Wm. Weight*, Nelson-street, Windmill-lane, Camberwell, Surrey, provision dealer.—*Wm. Reader*, Edith-street, Great Cambridge-street, Hackney-road, Middlesex, cabinet manufacturer.—*James L. White*, Plaistow, Essex, blacksmith.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Cheshire, at CHESTER CASTLE, Oct. 11.*

*Joseph Woolley*, Birkenhead, labourer.

*At the County Court of Leicestershire, at LEICESTER, Oct. 11.*

*John Wm. Cooper*, Rothley, baker.

*At the County Court of Herefordshire, at HERFORD, Oct. 12 at 10.*

*James Hardwick*, Kempey, Gloucestershire, labourer.

*At the County Court of Gloucestershire, at BRISTOL, Oct. 12 at half-past 10.*

*Edmund Sandell*, Bristol, straw bonnet maker.

*At the County Court of Northumberland, at NEWCASTLE-UPON-TYNE, Oct. 12 at 10.*

*Edward Robinson*, Newcastle-upon-Tyne, out of business.

*At the County Court of Staffordshire, at STAFFORD, Oct. 11 at 11.*

*Samuel Harrison*, West Bromwich, farming bailiff.

*At the County Court of Lancashire, at LANCASTER, Oct. 13 at 11.*

*James Stephenson*, West Derby, near Liverpool, out of business.—*John Whittaker*, Manchester, out of business.—*Jon. Broekhuysen*, Blackburn, out of business.—*William Tread*, Oldham, cotton-waste dealer.—*Jos. Pennill*, Manchester, retail dealer in ale.—*John Botham* the elder, Whitefield, near Bury, farmer.—*Alce. Wm. Geo. Smart*, Liverpool, out of

business.—*Edwin Hilton*, Manchester, out of business.—*J. Salmon*, Blackburn, out of business.—*William Partington*, Manchester, bacon dealer.—*Robert Greenhalgh*, Rochdale, tailor.—*John Robinson*, Prestwich, near Manchester, out of business.—*Miles Harrison*, Hindley, near Wigan, out of business.—*Alex. Murray*, Chorlton-upon-Medlock, Manchester, out of business.—*Daniel Heath*, Manchester, stay maker.—*Leonard Gaudin*, Garnault-place, Clerkenwell, London, watch jeweller.—*George Persons*, Hop-gardens, St. Martin's-lane, London, dairyman.—*Charles Lucas*, Manchester, out of business.—*Wm. Kay*, Manchester, retail dealer in ale.—*John Sutcliffe*, Lancaster, out of business.—*James Healey*, Liverpool, labourer.—*Thos. Latham*, Preston, timber merchant.—*Alice Rotherham*, widow, Skelmersdale, out of business.—*Wm. Gandy*, Brighton, Sussex, flyman.—*Joseph Sawyer*, Bradford, clothes dealer.—*Wm. Smith*, Burnley, stonemason.—*John Lunn*, Salford, out of business.

*At the County Court of Durham, at DURHAM, Oct. 13.*

*John Robson*, Wear Chare, Bishop Auckland, railway sub-contractor.—*Abraham Taylor Loder*, Bishopwearmouth, teacher of music.—*Hyman Gerson*, Sunderland, out of business.

*At the County Court of Dorsetshire, at DORCHESTER, Oct. 13 at 12.*

*Michael Hall*, Chesilbourne, out of business.

## TUESDAY, OCTOBER 3.

### BANKRUPTCY.

**WILLIAM CLERK**, Surbiton, Kingston-upon-Thames, Surrey, builder, dealer and chapman, Oct. 13 at 11, and Nov. 16 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Spinks, 27, Great James-street, Bedford-row.—Petition filed Sept. 23.

**JOHN ROLFE**, Faversham, Kent, tailor, Oct. 11 at 11, and Nov. 13 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Bower & Son, 46, Chancery-lane.—Petition filed Sept. 27.

**JOHN SMART**, Great Tower-street, London, wine and spirit merchant, dealer and chapman, Oct. 10 at 1 and Nov. 18 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Stevenson & Ley, 1, Victoria-street, Holborn-bridge.—Petition dated Oct. 2.

**JOSEPH PEERS**, Rathin, Denbighshire, scrivener, gun manufacturer and coke burner, dealer and chapman, Oct. 13 and Nov. 6 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Evans & Son, Liverpool.—Petition filed Oct. 2.

**JOHN BARNES**, Ulverstone, Lancashire, grocer, Oct. 11 and Nov. 14 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Sale & Co., Manchester.—Petition filed Sept. 21.

### MEETINGS.

*Simeon Stansfield*, Little Hulton, Lancashire, cotton spinner, Oct. 16 at 12, District Court of Bankruptcy, Manchester, last ex.—*James Woonden*, Manchester, eating-house keeper, Oct. 16 at 12, District Court of Bankruptcy, Manchester, last ex.—*Wm. Thos. Lambert*, Jermyn-st., St. James's, Middlesex, patent medicine vendor, Oct. 14 at 11, Court of Bankruptcy, London, aud. ac.—*Alfred Fielding*, Greenwich, Kent, dealer in watches, Oct. 14 at 11, Court of Bankruptcy, London, aud. ac.—*George Tupling*, Wood-street, Cheapside, London, carpet warehouseman, Oct. 14 at 11, Court of Bankruptcy, London, aud. ac.—*Joseph Pratt*, Manchester, bookseller, Oct. 20 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Nov. 2 at 12, div.—*Samuel Barnes*, Oldham, Lancashire, machine maker, Oct. 19 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Oct. 26 at 12, div.—*W. Edmond* and *Thos. Edmond*, Liverpool, merchants, Oct. 27 at 12, District Court of Bankruptcy, Manchester, aud. ac. sep. est. of *W. Edmond*.—*Thos. Cummings*, Gateshead, Durham, painter, Oct. 25 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*John Gibson*, Distington, Cumberland, grocer, Oct. 17 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*J. Halsted* and *H. R. Halsted*, Bradford, Yorkshire, woolstaplers, Nov. 7 at 11, District Court of Bankruptcy, Leeds, aud. ac.; at half-past 11, div.—*Jos. Cundell*, Sheffield, Yorkshire, carpenter, Oct. 14 at 12, District Court of Bankruptcy, Sheffield, aud. ac.—*Wm. Wild Foote*, Sheffield, Yorkshire, sharebroker, Oct. 14 at 12, Dis-

strict Court of Bankruptcy, Sheffield, and. ac.—*John Arthur and David Arthur*, Neath, Glamorganshire, ironmasters, Oct. 26 at 11, District Court of Bankruptcy, Bristol, div. sep. est. of *John Arthur*.—*James Guest*, Manchester, cotton spinner, Oct. 27 at 12, District Court of Bankruptcy, Manchester, div.—*Henry Brownell*, Liverpool, merchant, Oct. 26 at 11, District Court of Bankruptcy, Liverpool, div.—*J. B. Blandell*, Seacombe, Cheshire, rectifier, Oct. 26 at 11, District Court of Bankruptcy, Liverpool, div.—*G. Remie*, Liverpool, merchant, Oct. 26 at 11, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Thomas Cummins*, Gateshead, Durham, painter, Oct. 25 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Samuel Garratt*, Ferring Wharf, near Penrhyn, Cornwall, contractor, Oct. 26 at 1, District Court of Bankruptcy, Exeter.—*Joshua Crowther and Wm. Dickinson* the younger, Manchester, general Manchester warehousemen, Oct. 27 at 12, District Court of Bankruptcy, Manchester.—*W. H. Elkington*, King's Neath, Worcestershire, brickmaker, Oct. 26 at 10, District Court of Bankruptcy, Birmingham.—*Cornelius Terry*, Birmingham, cut-nail manufacturer, Oct. 26 at half-past 10, District Court of Bankruptcy, Birmingham.—*Samuel Swister*, Brierley-hill, Staffordshire, auctioneer, Nov. 2 at half-past 10, District Court of Bankruptcy, Birmingham.—*John Jackson*, Kingston-upon-Hull, commission agent, Nov. 15 at 12, District Court of Bankruptcy, Kingston-upon-Hull.

*To be granted, unless an Appeal be duly entered.*

*Robert F. Cooper*, Three Colt-street, Limehouse, Middlesex, colorman.—*James Russell*, Chichester, cabinet maker.—*John Harrington*, Cray's Hill, Essex, baker.—*Joseph Pratt*, Manchester, bookseller.—*James Nuttall*, *James Yates*, and *Charles Nuttall*, Rawtenstall, Lancashire, cotton manufacturers.—*H. P. Baldwin*, Ironbridge, Shropshire, druggist.—*Wm. Bullock*, Warwick, ironmonger.

#### PARTNERSHIPS DISSOLVED.

*R. Wells, J. C. Smith, and Edward Dodd* the younger, Kingston-upon-Hull, attorneys-at-law and solicitors in Chancery, (so far as regards the said *Edward Dodd*).—*Philip W. Lovett and Thomas West*, Guildford, Surrey, solicitors.—*Z. Brooke and W. H. Drage*, New Boswell-court, Lincoln's-inn, Middlesex, solicitors and attorneys.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*R. Lobley*, Liverpool, shoemaker, Oct. 9 at 10, County Court of Lancashire, at Liverpool.—*Charles Tull*, Walton, Lancashire, manager of a beer-house, Oct. 9 at 10, County Court of Lancashire, at Liverpool.—*John Towers*, Liverpool, assistant to a brewer, Oct. 9 at 10, County Court of Lancashire, at Liverpool.—*John Anders*, Liverpool, baker, Oct. 9 at 10, County Court of Lancashire, at Liverpool.—*J. Roberts*, Liverpool, flour dealer, Oct. 9 at 10, County Court of Lancashire, at Liverpool.—*Wm. Clare*, Liverpool, retail coal dealer, Oct. 9 at 10, County Court of Lancashire, at Liverpool.—*Thomas Jacob*, Broughton, near Brigg, Lincolnshire, shoemaker, Oct. 20 at 12, County Court of Lincolnshire, at Brigg.—*E. Clarke*, Brighton, Sussex, surgeon-dentist, Oct. 23 at 10, County Court of Sussex, at Brighton.—*Jesse Pope*, Brighton, Sussex, tailor, Oct. 7 at 10, County Court of Sussex, at Brighton.—*George D. Pitt*, Shoreham, Sussex, gardener, Oct. 7 at 10, County Court of Sussex, at Brighton.—*John W. Comerford*, Southsea, Southampton, news-vendor, Oct. 25 at 11, County Court of Hampshire, at Portsmouth.—*Henry Bloomfield*, Salford, Lancashire, drapers' agent, Oct. 10 at 10, County Court of Lancashire, at Salford.—*J. Nicholson*, Salford, Lancashire, beer seller, Oct. 10 at 10, County Court of Lancashire, at Salford.—*Charles Tew*, Kidderminster, Worcestershire, grocer, Oct. 18 at 10, County Court of Worcestershire, at Kidderminster.—*Wm. Lloyd*, Stafford, clicker, Oct. 11 at 11, County Court of Staffordshire, at Stafford.—*Charles Fegen*, Exeter, Lieutenant-colonel in her Majesty's Royal Marines, Oct. 17 at 10, County Court of Devonshire, at Exeter.—*G. Patrick*, Little Oakley, Northamptonshire, stonemason, Oct. 19 at 10, County Court of Northamptonshire, at Kettering.—*James Ditchfield*, Runcorn, Cheshire,

beer-house keeper, Oct. 9 at 10, County Court of Cheshire, at Runcorn.—*Charles Gwathin Hill*, Preston, Lancashire, drawing master, Oct. 24 at 11, County Court of Lancashire, at Preston.

*Saturday, Sept. 30.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*John Wilson*, Burnley, Lancashire, grocer, No. 78,435 C.; *Joseph Lee*, assignee.—*John Jackson*, Salford, Lancashire, joiner, No. 78,479 C.; *Thomas Smith*, assignee.—*John Farr*, Manchester, joiner, No. 78,482 C.; *Thomas Smith*, assignee.—*John Ramsbottom*, Accrington, Lancashire, manufacturer of the elliptical rotatory steam-engine, No. 78,550 C.; *Joshua Billcliff and John Walkden*, assignees.—*J. Stevens*, Brighton, Sussex, builder, No. 78,664 C.; *Henry Davis*, assignee.

*Saturday, Sept. 30.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

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*Wm. Alexander Holmes*, Ipswich, clerk in the Ordnance Office, Tower of London.—*James Bennett*, Capel St. Mary, wheelwright.

*At the County Court of Devonshire, at Exeter, Oct. 17 at 10.*

*George Ballemey*, Eastington, Okehampton, out of business.—*Wm. Pincombe*, Twicken, out of business.

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# The Jurist

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## OF INJUNCTIONS.

(Continued from p. 354).

In regard to staying proceedings at law under unlawful instruments, the Court does not require certainty of the unlawful foundation of a security to justify its interference; but if, upon the answer, (or now it is presumed on the affidavits), it sees sufficient to raise a great degree of doubt whether the consideration of the instrument is lawful, although there is no actual evidence that it was not so, the Court will restrain proceedings at law until it is in a position to come to a conclusion as to the rights of the parties. (*The Earl of Milltown v. Stewart, 3 My. & C. 18*).

Under the head of fraud may be considered the cases where parties have been restrained from enforcing at law instruments founded on or having relation to expectations from third parties, where the Court has considered it probable that, had the transaction been known to those from whom the benefits were expected,

the abandonment of the arrangement would have been made by such parties a condition of the realisation of the expectations. (*Woodhouse v. Shepley, 2 Atk. 535; Cock v. Richards, 10 Ves. 429*).

An exception to this rule has been made in a case where a person, being on bad terms with his father, and not admitted to his presence, on a treaty for the marriage of his daughter with an infant, gave a bond, conditioned to settle on his daughter and the issue of the marriage, if the marriage took place, a third of the estate that should come to him from his father, within one month after his death. (*Hobson v. Trevor, 2 P. Wms. 191*).

There is, however, nothing inequitable or against public policy in an agreement between parties, who have expectations from a third party, to divide whatever such party may leave them. (*Beckley v. Newland, 2 P. Wms. 182; and see Hobson v. Trevor, Id. 191*).

In regard to bonds or other securities founded on expectations, or given by persons having no present property, and only expectations from persons living, it is a settled principle that the Court will restrain proceedings at law upon such instruments, unless the actual value has been given. (*Marsack v. Reeves, 6 Mad. 108*). A purchaser, however, at a sale by auction of a reversion, is not of necessity bound to establish that he purchased at a full price. (*Shelly v. Nash, 3 Mad. 232*). But if the sale is so conducted as to shew on the face of it that the vendor is in the power of those who deal with him, the Court will not consider the sale by auction as affording fair evidence of the market price.

and will grant an injunction till the hearing, the plaintiff paying into court the auction price, with interest. (*Fox v. Wright*, 6 Mad. 111).

It is, indeed, well settled as a general doctrine of equity, that to persons in the position of an expectant heir, a degree of protection is extended, approaching nearly to an incapacity to bind themselves by any contract; and that it is incumbent upon those who have dealings with expectant heirs relative to their reversionary interests to make good the bargain—that is, to be able to shew that a full and adequate consideration was paid. (1 Bro. C. C. 9; 9 Ves. 246; *Peacock v. Evans*, 16 Ves. 512; *Gowland v. Defaria*, 17 Ves. 20). And while the pressure of the distress, which induced originally the expectant heir to enter into the contract, continues, no length of acquiescence, nor even confirmation, will prevent such heir from coming to equity to set aside the contract. (*Gowland v. Defaria*, 17 Ves. 20; *Crosse v. Ballard*, 3 Bro. C. C. 117).

But the extraordinary protection of equity must be withdrawn if it shall appear that the transaction was known to the father or other person standing in loco parentis, even although such parent or other person took no active part in the negotiation, provided the transaction was not opposed by him, and so carried through in spite of him: and further, if the heir flies off from the transaction, and becomes opposed to him with whom he has been dealing, and repudiates the whole bargain, he must not in any respect act upon it, so as to alter the situation of the other party or his property; at least, if he does so, the proof lies upon him of shewing that he did so under the continuing pressure of the same distress which gave rise to the original dealing. (*King v. Hamlet*, 2 My. & K. 456).

Under this division of the subject also falls the class of cases where instruments are obtained under undue influence. In those cases equity will restrain the parties, claiming under the instruments so obtained, from proceeding at law. (*Goddard v. Carlisle and Others*, 9 Price, 169; *Lady Strathmore v. Bowes*, 2 Bro. C. C. 345; *Peel v. —*, 16 Ves. 157).

Equity will interfere against a deed or an agreement entered into by a party while in a state of intoxication, if any unfair advantage has been made of his situation; (*Cory v. Cory*, 1 Ves. sen. 19, and see the cases there cited; *Butler v. Mulvihill*, 1 Bligh, 137); or if there has been any contrivance or management to draw him into drinking; (*Johnson v. Medlicott*, 3 P. Wms. 130, note (a)); or even over-readiness to acquiesce in and countenance his disposition to drink; (*Say v. Barwick*, 1 V. & B. 195); or, perhaps, if upon the face of the agreement it appears that the offer was such as necessarily discovers absence of judgment in the person making, or a degree of unfairness in those accepting, it. (See the observations of Sir W. Grant in *Cooke v. Clayworth*, 18 Ves. 17; and see *Dunnage v. White*, 1 Swanst. 137, and *Butler v. Mulvihill*, 1 Bligh, 137).

The principle of the decisions is not merely that the party must have been actually intoxicated, but that the fact of his being intoxicated, taken in conjunction with the fact of the rent actually reserved being grossly inadequate, and different from that previously agreed upon, affords an inference of fraudulent advantage taken of the intoxication of the plaintiff. For as to

intoxication simpliciter, it is settled that equity does not interfere against an instrument merely on the ground of the party being intoxicated at the time of executing it. (*Johnson v. Medlicott*, 3 P. Wms. 130, note (a), and *Cooke v. Clayworth*, 18 Ves. 12).

In cases where persons, having entered into a general arrangement with creditors for a composition, have entered at the same time into a secret arrangement with certain creditors, the effect of which would be to give them a superiority over the general mass of creditors, and to defeat the presumed intention of the general body—viz. that they shall all receive equally, and that the debtor, after the payment of the composition, shall be free—equity will prevent such agreement, made in fraud of the intent of the general creditors, from taking effect. (*Eastbrook v. Scott*, 3 Ves. 457; *Mason v. Stock*, 6 Ves. 300).

Under the head of marriage brokerage bonds, and the like, are to be considered several cases of a mixed nature, in which the vice of the transaction consists partly in its being fraudulent as against individuals, and partly in its being inconsistent with public policy. Of this kind are what are called marriage brokerage bonds, (*Drury v. Hooke*, 1 Vern. 212; *Arundel v. Trevillian*, 1 Ch. Rep. 47; *Williamson v. Gibson*, 2 Sch. & L. 357; *Smith v. Bunning*, 2 Vern. 392); bonds or other securities given in consideration of obtaining places in the public service, (*Hartwell v. Hartwell*, 4 Ves. 811; *Thrale v. Ross*, 3 Bro. C. C. 57; *Hannington v. Duchatel*, 1 Bro. C. C. 124; *Symonds v. Gibson*, 2 Vern. 308; *Whittingham v. Burgoyne*, 3 Aust. 900; *Morris v. McCulloch*, Amb. 432); or for the exercise of influence over others in the disposition of their property, (*Debenham v. Oz*, 1 Ves. sen. 276; *Keat v. Allen*, 2 Vern. 588); or for other objects fraudulent in intention and mischievous in policy.

The general rule in this sort of case is, that the party claiming under a title thus tainted shall be restrained in equity; although in some cases (*Law v. Law*, 3 P. Wms. 390; see also *Hannington v. Duchatel*, 1 Bro. C. C. 124; *Morris v. McCulloch*, Amb. 432; *Debenham v. Oz*, 1 Ves. sen. 276; and see also, on this subject, *Smith v. Aykwell* or *Haytwell*, 3 Atk. 566; Amb. 66; *Drury v. Hooke*, 1 Vern. 212; *Striblehill* or *Scrubblehill v. Brat*, 2 Vern. 455; 4 Bro. P. C. 144; *Hall v. Potter*, Show. P. C. 76; *Cole v. Gibson*, 1 Ves. sen. 503; and *Turton v. Benson*, 1 P. Wms. 496) the Court has proceeded on the principle of not interfering, and leaving the parties to do the best they can respectively at law.

With respect to transactions falling under the head of marriage brokerage, although the general rule has been long well settled, there have been some differences in the decisions as to the precise ground of interference. (See *Smith v. Aykwell* or *Haytwell*, 3 Atk. 566; Amb. 66; and see, ante, *Drury v. Hooke*, and the cases there cited).

The cases in which equity has refused to interfere have been principally those arising on conveyances made in order to give to a party a colourable qualification to enable him to sit in Parliament, or to kill game. The doctrine in these cases is laid down in a case cited by Lord Eldon in *Curtis v. Perry*, (6 Ves. 747); in *Platamone v. Staple*, (Coop. 250; and see 9 Ann. c. 5); and in *Brackenbury v. Brackenbury*, (2 J. & W. 391).

There are other cases also in which equity has refused to interfere between parties to a contract of doubtful or of admitted illegality, on the ground of public policy. (See *The Earl of Westmeath v. The Countess of Westmeath*, Jac. 126).

It is not easy to extract from the cases on this subject any general principle governing the disposition of the Court to distinguish between those cases in which it will interfere, and those in which it will leave the parties to law.

In some of the cases the Court, treating the contract as clearly against public policy, has acted positively against it. (*Law v. Law*, 3 P. Wms. 390). In another, the Court, thinking the validity of the deed doubtful at law on grounds of public policy, refused to restrain the party claiming under it; (*The Earl of Westmeath v. The Countess of Westmeath*, Jac. 126); while in others, again, the Court, holding the agreement clearly against public policy, has also refused to act positively against its being enforced at law. (*Evans v. Richardson*, 3 Mer. 469).

The authorities seem, however, to justify the following as general propositions—first, that the Court will in no case give any active support to instruments founded on fraud, or on considerations against public policy; secondly, that in selecting between positive interference, and leaving the parties to law, it will take that course which will be most likely to defeat, not the effect of the instrument, but the success of the fraud originally intended by it.

On the same principle as that which is applicable to the cases we have been discussing, equity will interfere where parties set up a contract apparently fair, but in fact entered into fraudulently, merely for the purpose of covering an usurious transaction.

Where, for instance, a partnership transaction is merely colourable, for the purpose of obtaining, under the name of a partnership, usurious interest for a loan, equity will treat it as a fraudulent contract, and relieve against it. But the Court will not relieve against a transaction, as in fraud of the usury laws, merely on the ground that the lender, either by the very nature of the contract itself, or by some of its possible consequences, may in fact, as between him and the borrower, secure a rate of interest, which, taken simply as such, would be usurious. (*Freday v. Hordern*, Jac. 144; *Clark v. Giraud*, 1 Mad. 511. See *Searle v. Lord Carpenter*, Amb. 242).

But if fraud in the party obtaining a legal title will prevent him from being permitted to use it; on the other hand, fraud in the party from whom the title passes will have the effect of preventing the parties taking it from losing the benefit of it; where, if there had not been such fraud, they might not have been permitted to use it. (*Taylor v. Sheppard*, 1 Y. & C. 271).

Courts of equity do not assume in general any jurisdiction in questions of insurance, except for the purpose of facilitating the trial of the validity of the policy. Thus, where the facts on which the liability turns, have taken place abroad, equity will grant a commission to examine witnesses, and will restrain proceedings at law until the return of the commissioners; (*Chitty v. Solomon*, 2 Atk. 359); or, on suspicion of fraud,

will compel the plaintiff at law to make discovery of the circumstances within his knowledge. (See *Park Ins. c. 20*). But, except in these cases, all issues upon policies of insurance must be tried at common law. (Ib.; and *De Ghotoff v. The Governor and Company of London Assurance*, 4 Bro. P. C. 436, where a demurrer to a bill for payment of the sum insured by a policy was allowed). However, in a case in *Peere Williams*, (*De Costa v. Scandret*, 2 P. Wms. 170), where a merchant, who having information of his ship being in danger, such as to induce him to believe that probably she was lost, insured without informing the insurers of those circumstances, on a bill for an injunction, and to have the policy delivered up, it was decreed, that, the premiums being returned, the policy should be delivered up.

Under the second division of this section fall the cases in which parties, having legal rights originally fair, are guilty of either positive acts or of acquiescence, actually or constructively fraudulent, whereby they vary, or permit to be varied, the rights and liabilities of other parties, to their own advantage, and to the detriment of such other parties. (*Aston v. Aston*, 1 Ves. sen. 396; *Caudor v. Lewis*, 1 Y. & C. 427).

Where a party having title has suffered another in possession with an apparent title to grant fair leases, and has stood by and allowed the tenants to expend their money in improvements, he will not be suffered afterwards, under a decree (in a cause to which the tenants were not parties) restoring the possession to him, to evict such tenants, and will be restrained from bringing ejectment by perpetual injunction. (*Shine v. Gough*, 1 Ball & B. 436; see also *Hardcastle v. Shafto*, 1 Anst. 184). But if, in such cases as *Aston v. Aston*, the waste had been permitted by express agreement, it seems doubtful whether equity would interfere, because that may be pleaded at law. (Per Lord Chancellor, 1 Ves. sen. 399; and see *Ray v. Ray*, Coop. 264, and *Nicholson v. Hooper*, 4 My. & C. 179). In strictness, perhaps, this latter case should have been mentioned under a different head; but in substance it illustrates the proposition discussed in this section. (See also *Edgcombe v. Carpenter*, 1 Beav. 171).

It must not be overlooked, that the general principle of these cases is not mere laches, but fraudulent dealing or acquiescence; and therefore, in such cases, it is put upon the plaintiff to prove, not merely to raise a probable conjecture, but to shew upon highly probable grounds a case of bad faith and bad conscience against the defendant. (Per Lord Eldon in *Dann v. Spurrier*, see 7 Ves. 235).

Another class of cases falling under this division of the subject is that where a creditor, having a title at law originally fair and equitable against a surety as well as against his principal debtor, by some transaction with the principal debtor, varies the position of the surety, and thereby taints his legal title with constructive fraud as against the surety. Thus, it is firmly settled in equity, that where a creditor gives time to his principal debtor without the consent of the surety, by so doing he discharges the surety; that is, if time is given by virtue of positive contract between the creditor and the principal. (*Samuel v. Howarth*, 3 Mer. 272; and see *Nisbit v. Smith*, 2 Bro. C. C. 579; *Ross v. Ber-*



ington, 2 Ves. 540; *Boulbee v. Stubbs*, 18 Ves. 20; *Blake v. White*, 1 Y. & C. 420; *Eyre v. Bartrop*, 3 Mad. 221; *The Bank of England v. Beresford*, 6 Dow, 233; *Solly v. Moore*, 8 Price, 631; *Attwood v. Banks*, 2 Beav. 192; and *Bowmaker v. Moore*, 3 Price, 214).

The rule as between creditor and surety applies equally, though the surety should know the fact of time being given to the principal debtor; to take the case out of it, the surety must expressly consent. But if the time given is not by positive contract, but the case is only that the creditor is inactive, the surety will not be relieved in equity. (*Samuel v. Howarth*, 3 Mer. 272; see also 6 Ves. 734; *Eyre v. Everett*, 2 Russ. 381).

But although the creditor may, if he chooses, remain entirely passive, he cannot act, and then withdraw his act, without the consent of the surety. (6 Ves. 734; 2 Swanst. 191). Thus, if he takes the goods of his debtor in execution, and afterwards withdraws the execution, he discharges the surety, both at law and in equity. (*Mayhew v. Crickett*, 2 Swanst. 185; see p. 191). But if after such withdrawal the surety makes a fresh promise to pay, he renders himself liable, not as contracting a new, but as reviving the old debt. (Ib.)

But if a creditor cannot by his own act vary the extent of the liability of the surety; on the other hand, a surety in a bond cannot in general, by his mere intimation that he will no longer hold himself liable, discharge himself from his liability, without the acquiescence of the creditor. (*Broune v. Carr*, 2 Russ. 600; *Gordon v. Calvert*, 2 Sim. 253; 4 Russ. 581).

It must be observed also that an injunction will not be maintained to restrain the obligees of a bond from suing the surety, because the obligees have lent a further sum to the principal obligor, and taken his separate bond for it, nor because they have simply abstained from suing him, not expressly giving him time; for, as already noticed, the surety is not discharged by the mere passive conduct of the creditor in not suing, but he must himself use diligence, and take such effectual means as will enable him to call on the creditor either to sue, or to give him, the surety, the means of suing. (*Eyre v. Everett*, 2 Russ. 381).

(To be continued).

## COMMISSIONERS TO ADMINISTER OATHS IN CHANCERY.

The Lord Chancellor, under the powers of the 16 & 17 Vict. c. 78, intituled "An Act relating to the Appointment of Persons to administer Oaths in Chancery, and to Affidavits made for Purposes connected with Registration," has appointed the following gentlemen to be Commissioners for administering Oaths in Chancery:—

To be London Commissioners.

James Hartley, Earl-street, Blackfriars.  
Randall Glynes, 8, Crescent, America-square.

To be Commissioners in England.

Richard Perkins, York.  
John Seagram, Warminster, Wiltshire.

## PUBLIC GENERAL STATUTES. 17 & 18 VICTORIA.—SESSION 2.

(Continued from p. 361).

### CAP. LXXXIV.

An Act to extend the Provisions of the Acts for the Augmentation of Benefices. [10th August, 1854.]

Sect. 1. Powers given by sect. 21 of the 1 & 2 Will. 4, c. 45, and sect. 14 of the 1 & 2 Vict. c. 107, may be exercised by incumbents, &c.

2. Incumbent entitled to glebe land, &c. may annex the same to church of district wherein situate.

3. Consents of archbishop or bishop and patron to annexation and grant.

4. Sect. 13 of the 1 & 2 Will. 4, c. 45, to extend to annexations under this act.

5. Rectories impropriate, tithes, &c., may be released from rent-charges, with the consent of archbishop, &c.

6. Who shall be deemed the patron to consent.

7. Act to be construed as though contained in the 1 & 2 Will. 4, c. 45.

8. As to apportionment of income where two benefices belong to the same patron.

### CAP. LXXXV.

An Act for better securing the collecting and accounting for the Land Tax, Assessed Taxes, and Income Tax, by the Collectors thereof. [10th August, 1854.]

### CAP. LXXXVI.

An Act for the better Care and Reformation of Youthful Offenders in Great Britain. [10th August, 1854.]

### CAP. LXXXVII.

An Act to make further Provision for the Burial of the Dead in England beyond the Limits of the Metropolis. [10th August, 1854.]

Sect. 1. Her Majesty may, by Order in Council, invest town councils with the power of providing burial grounds.

2. Upon the making of such order, borough council to have all the powers vested in burial boards under the 16 & 17 Vict. c. 134.

3. Expenses to be paid out of borough fund or borough rates.

4. Money may be borrowed at lower rates of interest to pay off securities bearing a higher rate.

5. Power to borrow money to pay off former mortgages.

6. Council how to act under this act, and conveyances and sales of lands how to be made.

7. Burial ground to be deemed to be for the parishes in the borough.

8. Council may fix a higher rate of payment for interment, &c. in respect of outlying part of any parish partly situate in the borough.

9. Order in Council may except parishes already having burial grounds; and in such case, if a rate be necessary, a separate rate to be made on the rest of the borough.

10. Powers of vestry, with consent of bishop, of fixing and revising the fees payable to incumbent, &c., transferred to the borough council.

11. Council may appropriate land belonging to the borough.

12. Burial ground not to be within 100 yards of a dwelling house.

### CAP. LXXXVIII.

An Act to render valid certain Marriages of British Subjects in Mexico. [10th August, 1854.]

Sect. 1. Certain marriages of British subjects which have been solemnised in Mexico to be valid.

2. Certificates received by the Secretary of State to be sent to Registrar-General, and certified copies to be evidence, as under 6 & 7 Will. 4, c. 86.

3. Right to search and have copies.

### CAP. LXXXIX.

An Act to amend the Laws for the better Prevention of the Sale of Spirits by unlicensed Persons, and for the Suppression of illicit Distillation, in Ireland. [10th August, 1854.]

## CAP. XC.

An Act to repeal the Laws relating to Usury and to the Inrolment of Annuities.  
[10th August, 1854.]

Sect. 1. *Acts, &c. named in Schedule repealed.*

2. *Transactions previous to passing of this Act not to be affected.*

3. *Legal or current Rate of Interest to mean the same as if this Act had not passed.*

4. *Not to affect the Law as to Pawnbrokers.*

Whereas it is expedient to repeal the laws at present in force relating to usury: be it enacted &c. as follows:—

Sect. 1. The several acts and parts of acts made in the Parliaments of England and Scotland, Great Britain and Ireland, mentioned in the schedule hereto, and all existing laws against usury, shall be repealed.

2. Provided always, that nothing herein contained shall prejudice or affect the rights or remedies of any person, or diminish or alter the liabilities of any person, in respect of any act done previously to the passing of this act.

3. Where interest is now payable upon any contract, express or implied, for payment of the legal or current rate of interest, or where upon any debt or sum of money interest is now payable by any rule of law, the same rate of interest shall be recoverable as if this act had not been passed.

4. Provided always, that nothing herein contained shall extend or be construed to extend to repeal or affect any statute relating to pawnbrokers, but that all laws touching and concerning pawnbrokers shall remain in full force and effect, to all intents and purposes whatsoever, as if this act had not been passed.

#### SCHEDULE REFERRED TO BY THE FOREGOING ACT.

*Acts and Parts of Acts of the Parliaments of England, Great Britain, and the United Kingdom of Great Britain and Ireland.*

37 Hen. 8, c. 9. The whole of an act passed in the thirty-seventh year of the reign of King Henry the Eighth, intituled "A Bill against Usury."

13 Eliz. c. 8. The whole of an act passed in the thirteenth year of the reign of Queen Elizabeth, intituled "An Act against Usury."

21 Jac. 1, c. 17, made perpetual by 3 Car. 1, c. 4, s. 5. So much of an act passed in the third year of the reign of King Charles the First as enacts, that an act passed in the twenty-first year of King James the First, intituled "An Act against Usury," be made perpetual.

12 Car. 2, c. 13. The whole of an act passed in the twelfth year of the reign of King Charles the Second, intituled "An Act for the restraining the taking of excessive Usury."

Confirmed by 13 Car. 2, stat. 1, c. 14. So much of an act passed in the thirteenth year of the reign of King Charles the Second, intituled "An Act for confirming an Act intituled 'An Act for encouraging and increasing of Shipping and Navigation,' and several other Acts, both public and private, mentioned therein," as confirms the herebefore-mentioned act of the twelfth year of the same reign.

12 Ann., stat. 2, c. 16. The whole of an act passed in the twelfth year of the reign of Queen Anne, intituled "An Act to reduce the Rate of Interest, without any Prejudice to Parliamentary Securities."

53 Geo. 3, c. 141. The whole of an act passed in the fifty-third year of the reign of King George the Third, intituled "An Act to repeal an Act of the seventeenth Year of the Reign of his present Majesty, intituled 'An Act for registering the Grants of Life Annuities, and for the better Protection of Infants against such Grants,

3 Geo. 4, c. 92.

7 Geo. 4, c. 75.

5 & 6 Will. 4, c. 41.

13 & 14 Vict. c. 56.

and to substitute other Provisions in lieu thereof," except so much thereof as repeals the said act of the seventeenth year of King George the Third. The whole of an act passed in the third year of the reign of King George the Fourth, intituled "An Act to explain an Act of the fifty-third Year of the Reign of his late Majesty respecting the Inrolment of Memorials of Grants of Annuities."

The whole of an act passed in the seventh year of King George the Fourth, intituled "An Act to explain an Act of the fifty-third Year of the Reign of his late Majesty respecting the Inrolment of Memorials of Grants of Annuities."

So much of an act passed in the session of Parliament holden in the fifth and sixth years of the reign of King William the Fourth, intituled "An Act to amend the Law relating to Securities given for Considerations arising out of gaming, usurious, and other illegal Transactions," as relates to securities given for considerations arising out of usurious transactions.

The whole of an act passed in the session of Parliament holden in the thirteenth and fourteenth years of the reign of her present Majesty, intituled "An Act to continue the Act for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Usury Laws."

#### *Acts of the Parliament of Scotland.*

An act of the eleventh Parliament of King James the Sixth, c. 52, "it is not lessum to take ane greater annual rent for the 100 poundes nor ten poundes, or five bolls victual."

An act of the fourteenth Parliament of King James the Sixth, c. 222, "for punishment of committers of usury."

An act of the fifteenth Parliament of King James the Sixth, c. 251, "it is not leasum to take mair annuall rent or profet nor ten for the hundreth."

An act of the sixteenth Parliament of King James the Sixth, c. 7, "explanation of the acts of Parliament anent ocker and usury."

An act of the twenty-third Parliament of King James the Sixth, c. 28, "anent taking of annual rent beforehand to be usurie."

#### *Acts of the Parliament of Ireland.*

An act of the tenth year of King Charles the First, sess. 2, c. 22, intituled "An Act against Usury."

An act of the second year of Queen Anne, c. 16, intituled "An Act for reducing of Interest of Money to Eight per Cent. for the future."

An act of the eighth year of King George the First, c. 13, intituled "An Act for reducing the Interest of Money to Seven per Cent."

An act of the fifth year of King George the Second, c. 7, intituled "An Act for reducing the Interest of Money to Six per Cent."

#### CAP. XCI.

An Act for the Valuation of Lands and Heritages in Scotland.  
[10th August, 1854.]

#### CAP. XCII.

An Act to continue an Act of the eleventh Year of her present Majesty, for the better Prevention of Crime and Outrage in certain Parts of Ireland. [10th August, 1854.]

#### CAP. XCIII.

An Act for the Exchange of the Office in Somerset House of the Duchy of Cornwall for an Office to be erected in Pimlico on the Hereditary Possessions of the Crown.  
[10th August, 1854.]

## CAP. XCIV.

An Act to alter the Mode of providing for certain Expenses now charged upon certain Branches of the Public Revenues and upon the Consolidated Fund. [10th August, 1854.]

## CAP. XCV.

An Act to make better Provision for the Administration of the Laws relating to the Public Health. [10th August, 1854.]

- Sect. 1.** *General Board of Health and Appointment of Officers determined.*
- 2.** *Constitution of the General Board of Health.*
- 3.** *Salary of President. President to be capable of sitting in the House of Commons.*
- 4.** *Board to appoint Officers.*
- 5.** *Treasury to fix Salaries of Officers and Allowances to Superintending Inspectors.*
- 6.** *All Powers, &c. vested in Board may be exercised by the President or any two Members.*
- 7.** *Transfer of Powers and Duties of Board of Health to such Board as constituted by this Act.*
- 8.** *All pending Inquiries and Proceedings may be completed under this Act.*
- 9.** *Treasury may grant a retiring Allowance to one of the Members of the Board determined by this Act.*
- 10.** *Salaries, &c. to be paid out of Monies to be provided by Parliament.*

Whereas by the act of the session holden in the 11 & 12 Vict. c. 63, "for promoting the public health," a board was constituted for superintending the execution of that act, to be called "The General Board of Health," and it was thereby provided that the said board should be continued only for five years next after the passing of that act, and thenceforth until the end of the then next session of Parliament; and by the said act the said board were authorised, with the approval of the Commissioners of the Treasury, to appoint a secretary and such clerks and servants and so many superintending inspectors as they might deem necessary for the purposes of the said act, every person so appointed to be removable at the pleasure of the said board: and whereas under the Metropolitan Interments Act, 1850, [13 & 14 Vict. c. 52], an additional member of the said board was appointed, and by an act of the session holden in the 15 & 16 Vict. c. 85, her Majesty was authorised to continue the appointment of the said additional member during the continuance of the said board: and whereas by certain other acts certain powers and duties are vested in the General Board of Health: and whereas it is expedient that the General Board of Health should be reconstituted: be it enacted &c. as follows:—

**Sect. 1.** On the passing of this act so much of the said act for promoting the public health as provides what persons shall constitute the General Board of Health, and limits the duration of such board, and so much of the same act as relates to appointments by such board, and so much of any other act as authorises the appointment of an additional member of such board, shall be repealed, and the General Board of Health, as constituted by the said act for promoting the public health, and all appointments of members thereof, and all appointments made by such board under the authority of the said act, shall, save as hereinafter otherwise provided, cease and determine.

**2.** It shall be lawful for her Majesty from time to time, by warrant under the royal sign-manual, to appoint a person to be, during her Majesty's pleasure, president of the General Board of Health under this act, and such president and her Majesty's principal Secretaries of State for the time being, and the president and vice-president for the time being of the Committee of Council appointed for the consideration of matters relating to trade and foreign plantations, shall constitute and be the General Board of Health, and during any vacancy in the said board the continuing members thereof may act as if no vacancy had occurred; provided that the said Board of Health shall be continued only for one year next after the day of the passing of this act, and thenceforth until the end of the then next session of Parliament, and no longer.

**3.** There shall be paid to the president of the General Board of Health under this act such salary, not exceeding 2000*l.* per annum, as shall be from time to time appointed by the Commissioners of her Majesty's Treasury, but no salary shall be paid to any other member of the said board; and such president shall be capable of being elected and of sitting and voting as a member of the House of Commons.

**4.** It shall be lawful for the said General Board of Health to appoint from time to time a secretary and assistant secretary, and such clerks and officers of the said board, and also so many superintending inspectors under such board, as the Commissioners of her Majesty's Treasury may think fit; and any such secretary, assistant secretary, clerk, or officer, and any such superintending inspector, may be removed by the said board.

**5.** There shall be paid to the said secretary, assistant secretary, clerks, officers, and superintending inspectors, such salaries as shall from time to time be appointed by the Commissioners of her Majesty's Treasury: provided always, that the Commissioners of her Majesty's Treasury may allow to any superintending inspector such reasonable travelling and other expenses as may be incurred by him in the performance of the duties of his office, in addition to his salary.

**6.** All powers and duties by this act vested in the General Board of Health constituted under this act, or which may be hereafter vested in such board, may be exercised and performed by the president for the time being of such board alone, or by any two or more members thereof; and all documents or copies of documents purporting to proceed from such board, and to be signed by the president or any two or more of the members of such board, and to be sealed or stamped with the seal of the General Board of Health, shall be received as prima facie evidence in all courts or places whatsoever.

**7.** All the powers and duties vested in the General Board of Health under the said act for promoting the public health, or any other act, shall on the passing of this act become transferred to and vested in the General Board of Health, as constituted under this act; and every superintending inspector appointed under this act shall have all the powers, duties, and liabilities vested in or imposed upon any superintending inspector under the said act for promoting the public health; and all provisions in any act of Parliament and in any order of the General Board of Health, and all instruments whatever in which the General Board of Health, or the secretary, or a superintending inspector, or any other officer of such board, is mentioned or referred to, shall, so far as may not be inconsistent with the provisions of this act, be construed as referring to the General Board of Health as constituted under this act, or to the secretary, or a superintending inspector, or such other officer of such board.

**8.** All inquiries and proceedings, matters and things, commenced by or under the authority of the board hereby determined, may be completed by and under the authority of the board constituted by this act.

**9.** It shall be lawful for the Commissioners of her Majesty's Treasury to grant to one of the members of the General Board of Health constituted by the said act for promoting the public health such compensation or superannuation or retiring allowance, not exceeding 1000*l.* per annum, as the said commissioners may deem just and proper to be awarded.

**10.** All salaries payable under this act, and all incidental expenses of the said board constituted by this act, and all compensations and allowances granted under this act, shall be paid out of such monies as shall be provided by Parliament.

## CAP. XCVI.

An Act for allowing Gold Wares to be manufactured at a lower Standard than that now allowed by Law, and to amend the Law relating to the assaying of Gold and Silver Wares. [10th August, 1854.]

## CAP. XCVII.

An Act to amend and extend the Acts for the Inclosure, Exchange, and Improvement of Land. [10th August, 1854.]

## CAP. XCVIII.

An Act to regulate the Salaries of the Parochial Schoolmasters of Scotland. [10th August, 1854.]

## CAP. XCIX.

An Act to provide for the Establishment of a National Gallery of Paintings, Sculpture, and the Fine Arts, for the Care of a Public Library, and the Erection of a Public Museum, in Dublin. [10th August, 1854.]

## CAP. C.

An Act to make further Provision for the more speedy and efficient Dispatch of Business in the High Court of Chancery. [10th August, 1854.]

- Sect. 1. *Master may inquire respecting Abatement, &c.*  
 2. *Master may certify as to the Abatement, &c.*  
 3. *Order of Revivor, &c. shall be drawn up on Master's Certificate.*  
 4. *Upon Master's Certificate of Abatement, &c., Court may order Prosecution or Disposal of Suit.*  
 5. *Proceedings may be carried on by Solicitor to Suitors Fund.*  
 6. *Master may obtain Assistance of Accountant.*  
 7. *Master may certify specially to obtain Opinion of Court.*  
 8. *Additional temporary Clerks in Masters' Offices.*  
 9. *Salaries, how to be paid.*  
 10. *"The Lord Chancellor."*

Whereas the enlargement in manner hereinafter mentioned of the powers of the Masters in Ordinary of the High Court of Chancery during their continuance in office, and the appointment of additional temporary clerks in their offices, would enable them to wind up the more expeditiously the causes, matters, and things from time to time depending before them: and whereas better provision is required for the examining and settling of the accounts of receivers and others in the said court: be it therefore enacted &c. as follows:—

Sect. 1. Upon a suit in which any proceeding may from time to time be depending before a Master in Ordinary of the High Court of Chancery becoming abated by death, marriage, or otherwise, or becoming defective by reason of some change or transmission of interest or liability, it shall be lawful for the Master, notwithstanding that the suit has become abated or defective, to summon as he shall deem fit all or any of the parties to the suit or proceeding, or their or any of their solicitors, and to inquire and obtain from them or any of them such information as may to him seem necessary or proper respecting the abatement of the suit, or respecting the same having become defective, and the change or transmission of interest or liability, and respecting the person or persons by and against whom the suit and proceedings ought to be revived, or the decree or order carried on and prosecuted; for which purposes the Master shall be at liberty to proceed in the absence of any of the parties or solicitors neglecting or refusing to attend his summons.

2. In case the Master shall, by the means aforesaid or otherwise, obtain sufficient information for his guidance in this behalf, he shall be at liberty to certify the abatement of the suit, or that the same has become defective, and the change or transmission of interest or liability.

3. The Master's certificate shall be filed by such person as the Master may direct, and then such order to the effect of the usual order to revive, or of the usual supplemental decree, as is mentioned in the section numbered 52 of the act "to amend the Practice and Course of Proceeding in the High Court of Chancery," passed in the 15 & 16 Vict., shall be drawn up by the Registrar upon the Master's certificate, which shall be deemed equivalent to such allegation as is in the said section mentioned; and the course of proceeding upon and the effect of an order obtained under these present provisions shall be the same in all respects as if the order had been obtained upon such allegation as aforesaid.

4. In case the Master shall not be able to obtain sufficient information for his guidance in certifying as aforesaid, he shall be at liberty to certify the abatement of the suit, or that the same has become defective, and the change or transmission of interest or liability, and that by reason thereof he is unable to dispose of the proceeding depending before him in the suit; upon which certificate the Court shall make such order as it shall think proper on all or any of the parties for the further prosecution of the suit, or for the final disposal thereof, and for the payment of the costs thereof, including any of the costs which may have been incurred by reason of the conduct of the parties.

5. In the event of the parties or their solicitors refusing or neglecting, within a time to be fixed by the Master, to file or to bring before the Court any such certificate as aforesaid, or to serve any order when drawn up as aforesaid, then by direction of the Master the certificate may be filed or brought be-

fore the Court, or the order may be served by the solicitor for the time being to the Suitors Fund; and the Court is hereby empowered to order payment of the costs and expenses of the solicitor to the Suitors Fund out of such of the funds in the suit, or by such parties as to the Court shall seem just; and in case payment thereof cannot be obtained by any of the means aforesaid, the same, by the direction of the Court, may be paid out of the Suitors Fund.

6. In any cause, matter, or thing which may from time to time be depending before or have been referred to a Master, it shall be lawful for him, in such way as he may think fit, to obtain the assistance of an accountant, the better to enable him to make any report or certificate, and to act upon the certificate of such accountant; and the allowances in respect of fees to the accountant shall be regulated by the Taxing Master of the court.

7. In any cause, matter, or thing which may from time to time be depending before or have been referred to a Master, he shall be at liberty to certify specially any decision at which he may arrive, or any other matter relating thereto, in order to obtain a decision or direction by or from the Court for his guidance in the further proceedings, or to enable any party to obtain the opinion of the Court with reference thereto.

8. It shall be lawful for the Lord Chancellor to appoint a fit person to act in the office of any Master as an additional temporary clerk, and in assistance to the Master's ordinary clerks, in such manner as the Master may direct; and every such temporary clerk may be removed by the Lord Chancellor as he may think fit, and shall receive, so long as he shall be so employed, such salary as the Lord Chancellor shall, with the approbation of the Commissioners of her Majesty's Treasury, order, but shall not be entitled to or receive any compensation upon or by reason of the Master being released from his duties, or removed by resignation, death, or otherwise.

9. The salaries given under this act shall grow due from day to day, but shall be payable, under an order of the Lord Chancellor, on the third day of each of the months of February, May, August, and November in every year, or on such other days as the Lord Chancellor shall from time to time direct, and shall be paid to the persons entitled thereto respectively, or their respective executors or administrators, out of the fund standing in the name of the Accountant-General of the Court of Chancery, to the account intitled "The Suitors Fee Fund Account," subject to the payment of such salaries and sums of money as are now payable thereout.

10. In this act the expression "the Lord Chancellor" shall be construed to mean the Lord High Chancellor of Great Britain for the time being, and to include or be applicable to the Lord Keeper or Lords Commissioners for the custody of the Great Seal of the United Kingdom for the time being.

## CAP. CI.

An Act to continue and amend the Acts now in force relating to Friendly Societies. [10th August, 1854.]

Sect. 1. *Act further continued.*

2. *Transcripts of Rules to be deposited with Registrars.*

Whereas the act passed in the 13 & 14 Vict. [c. 115], intitled "An Act to amend and consolidate the Law relating to Friendly Societies," was continued in force for a period therein limited by an act passed in the 15 & 16 Vict. c. 75: and whereas the said acts will expire at the end of the present session of Parliament, and it is expedient the same shall be further continued: be it enacted &c. as follows:—

Sect. 1. The said act of the 13 & 14 Vict. c. 115, shall be further continued to the 1st October, 1855, and to the end of the then next session of Parliament.

2. All transcripts of the rules of friendly societies now filed with the rolls of the sessions of the peace in any county, riding, or division of a county, shall be taken off the file, and sent to the registrars, who shall keep the same in such manner as shall be from time to time directed by one of her Majesty's principal Secretaries of State.

## CAP. CII.

An Act to consolidate and amend the Laws relating to Bribery, Treating, and undue Influence at Elections of Members of Parliament. [10th August, 1854.]

Sect. 1. *Repeal of acts in the schedule.*

2. *Bribery defined.*

3. Bribery further defined. Penalty.
4. Treating defined. Penalty.
5. Undue influence defined. Penalty.
6. Names of offenders to be struck out of register, and inserted in separate list.
7. No cockades, &c. to be given at elections. Penalty.
8. Voters not to serve as special constables during elections.
9. Penalties, how to be recovered.
10. Costs and expenses of prosecutions.
11. Returning officer to give notice of election.
12. In cases of private prosecutions, if judgment be given for the defendant, he shall recover costs from the prosecutor.
13. Prosecutor not to be entitled to costs unless he shall have entered into a recognisance to conduct prosecution and pay costs.
14. Limitation of actions.
15. Power to returning officers to appoint election auditors.
16. Bills, &c. to be sent in within one month to candidate, or right to recover barred.
17. Bills, &c. received within one month to be sent in to election auditor.
18. No payments to be made except through election auditor.
19. Tender and payment into court by election auditor.
20. Copy of judgment and statement of payments made in satisfaction to be sent to auditor.
21. Consent of auditor necessary before settling action.
22. Candidate to pay personal expenses and expenses of advertising.
23. Refreshments to voters on the days of nomination or polling declared illegal.
24. No person to pay expenses of elections, except to candidate or election auditor.
25. Candidates and agents may make payments before day of election.
26. Account of election expenses to be made out by election auditor.
27. Election auditor to keep accounts in some convenient place, which shall be open to inspection.
28. Election auditor to publish abstract of such accounts.
29. Returning officer to appoint new election auditor in case of death, &c.
30. Monies, &c. to be handed over to new election auditor.
31. Appointment and notification of agents.
32. Nomination of absent candidate's expenses.
33. Payments before passing of act.
34. Election auditor, how paid.
35. In actions for penalties, parties, &c. to be competent witnesses.
36. Candidate declared guilty of bribery incapable of being elected during Parliament then in existence.
37. Short title.
38. Interpretation of terms.
39. Duration of act.

## CAP. CIII.

An Act to make better Provision for the paving, lighting, draining, cleansing, supplying with Water, and Regulation of Towns in Ireland. [10th August, 1854.]

(To be continued).

## London Gazette.

FRIDAY, OCTOBER 6.

## BANKRUPTS.

**THOMAS GEORGE CURTIS**, Oxford, Middlesex, licensed victualler, Oct. 12 at half-past 1, and Nov. 13 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Bicknell & Bicknell, 79, Connaught-terrace, Edgeware-road.—Petition filed Oct. 3.

**JAMES THORNTON CARTWRIGHT**, Apollo-buildings, East-street, Walworth, Surrey, timber merchant, Oct. 16 at 1, and Nov. 21 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Adams, 16, George-street, Mansion House, London.—Petition filed Sept. 25.

**JOSEPH ASHER**, Old Dalby, Leicestershire, miller, Oct. 17 and Nov. 14 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sol. Giles, Loughborough.—Petition dated Oct. 3.

**JOHN CHANCELLOR**, Phoenix-place, Dorrington-street, Clerkenwell, Middlesex, and Battersea, Surrey, funeral-carriage master, (and not maker, as advertised in the Gazette of Sept. 29), dealer and chapman, Oct. 12 at half-past 12, and Nov. 14 at half-past 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Marden & Pritchard, Christchurch-chambers, Newgate-street.—Petition filed Sept. 28.

**EMMA STEELE FOULGHAM**, Burton Joyce, Nottinghamshire, braid and trimming manufacturer, Oct. 17 and Nov. 14 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Bowley, Nottingham; Hodgson, Birmingham.—Petition dated Oct. 5.

**JOHN HUCKNALL**, Nottingham, grocer and provision dealer, Oct. 17 and Nov. 14 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Dunnott & Bladon, Uttoxeter; James, Birmingham.—Petition dated Sept. 26.

**HENRY COBBIN WELSFORD**, Tewkesbury, Gloucestershire, corn factor, dealer in manures, dealer and chapman, Oct. 18 and Nov. 14 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Thomas & Lewis, Tewkesbury; Abbot & Lucas, Bristol.—Petition filed Sept. 30.

**CHARLES WARWICK**, Manchester, commission agent, (formerly carrying on trade as a merchant at Calcutta, in India), Oct. 20 and Nov. 9 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sols. Higson & Robinson, Manchester.—Petition filed Oct. 4.

**JOHN BARNES**, Ulverstone, Lancashire, grocer, Oct. 17 (and not Oct. 11, as previously advertised) and Nov. 14 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Sale & Co., Manchester; Evans & Sons, Liverpool.—Petition filed Sept. 21.

## MEETINGS.

*John J. Newnam and James Leadbetter*, Charlton, Kent, waterproofer, Oct. 17 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Wm. Ackland*, Salisbury-street, Lisson-grove, and *Fred. M. Goodwin*, High-street, Portland-town, Middlesex, linendrapers, Oct. 18 at 11, Court of Bankruptcy, London, aud. ac. sep. est. of *Wm. Ackland*.—*Latimer Allen*, Peterborough, Northamptonshire, builder, Oct. 18 at 11, Court of Bankruptcy, London, aud. ac.—*D. M. Davidson and Cosmo W. Gordon*, Mincing-lane, and Cousin's-lane, Upper Thames-street, London, colonial brokers, Oct. 18 at 11, Court of Bankruptcy, London, aud. ac.—*Robert Brown and John Burnham*, Potten, Bedfordshire, common brewers, Oct. 18 at 11, Court of Bankruptcy, London, aud. ac.—*Henry Taylor*, Newbury, Berkshire, grocer, Oct. 26 at 1, Court of Bankruptcy, London, aud. ac.—*Henry M'Groddy*, Liverpool, merchant, Oct. 19 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*J. N. Bateson*, Rochdale, Lancashire, cotton spinner, Oct. 24 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Oct. 31 at 1, div.—*J. H. Oates*, Halifax, Yorkshire, painter, Oct. 19 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*J. Greenwood*, Keighley, Yorkshire, wool-stapler, Oct. 19 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Francis Kay*, Sheffield, Yorkshire, cut-nail manufacturer, Oct. 21 at 12, District Court of Bankruptcy, Sheffield, aud. ac.—*George Haslam*, Higham, near Alfreton, Derbyshire, carrier, Oct. 21 at 12, District Court of Bankruptcy, Sheffield, aud. ac.—*Edward Cahan and James Vical* the younger, Strand, Middlesex, tailors, Oct. 30 at 12, Court of Bankruptcy, London, div. joint and sep. ests.—*A. Fielding*, Greenwich, Kent, dealer in watches, Oct. 28 at 1, Court of Bankruptcy, London, div.—*Joseph Nash and Thomas Neale*, Reigate and Dorking, Surrey, bankers, Oct. 28 at half-past 12, Court of Bankruptcy, London, fin. div.—*Spencer Ashlin*, Eastcheap, London, cornfactor, Oct. 28 at 12, Court of Bankruptcy, London, div.—*James Evans and George Davey*, Britton Ferry Ironworks, Glamorganshire, ironmasters, Nov. 2 at 11, District Court of Bankruptcy, Bristol, div.—*W. Green*, Birkenhead, Cheshire, auctioneer, Oct. 30 at 11, District Court of Bankruptcy, Liverpool, div.—*Richard Hadland*, St. Helen's, Lancashire, glass manufacturer, Oct. 30 at 11, District Court of Bankruptcy, Liverpool, div.—*John A. C. Reimann and John G. Geller*, Liverpool, merchants, Oct. 27 at 11, District Court of Bankruptcy, Liverpool, div.—*Wm. Edmond and T. Edmond*, Liverpool, merchants, Nov. 3 at 12, District Court of Bankruptcy, Manchester, div. sep. est. of *Wm. Edmond*.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Alfred Eyre*, Norland-square, Notting-hill, Middlesex, merchant, Oct. 30 at 1, Court of Bankruptcy, London.—*J. Chas. Brant*, Shoreditch, Middlesex, oilman, Oct. 26 at 2, Court of Bankruptcy, London.—*W. Henry Fleming*, Camberwell, Surrey, brewer, Oct. 28 at 11, Court of Bankruptcy, London.—*Henry Wilson*, Old Swindon, Wiltshire, grocer, Nov. 6 at 11, District Court of Bankruptcy, Bristol.—*John White*, Ormskirk, Lancashire, builder, Oct. 30 at 11, District Court of Bankruptcy, Liverpool.—*Richard Bench*, Birmingham, flour dealer, Nov. 2 at 10, District Court of Bankruptcy, Birmingham.—*Geo. Thomas Chantry*, Birmingham, paper box manufacturer, Nov. 2 at 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*Francis Paxon*, Bloomsbury-square, Middlesex, scrivener.—*Edward Cahan*, Strand, Middlesex, tailor.—*John Hales Street*, Tanbridge Wells, Kent, seedsman.—*George Forster*, Liverpool, stockbroker.—*Samuel Boulton* and *J. Swindells*, Greenfield Works, near Holywell, Flintshire, spelter manufacturers.

## FIAT ANNULLED.

*Samuel Beddoe*, West Bromwich, Staffordshire, linen-draper.

## SCOTCH SEQUESTRATION.

*Hugh Keith*, Glasgow, potato dealer.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Charles Stafford*, Bristol, plasterer, Oct. 12 at half-past 10, County Court of Gloucestershire, at Bristol.—*Edmund Onius Clark*, Bristol, retailer of beer, Oct. 12 at half-past 10, County Court of Gloucestershire, at Bristol.—*Francis Bennett*, Welford, Northamptonshire, butcher, Oct. 27 at 11, County Court of Leicestershire, at Lutterworth.—*John Edwards*, Hatton, Warwickshire, in no business, Oct. 23 at 10, County Court of Warwickshire, at Warwick.—*Richard Hodkisson*, Leamington Priors, Warwickshire, painter, Oct. 23 at 10, County Court of Warwickshire, at Warwick.—*Wm. Trepess*, Leamington Priors, Warwickshire, hairdresser, Oct. 23 at 10, County Court of Warwickshire, at Warwick.—*Joseph Pattison*, Morpeth, Northumberland, butcher, Oct. 27 at 10, County Court of Northumberland, at Morpeth.—*William Hawley*, Holyhead, Anglesey, victualler, Oct. 18 at 11, County Court of Anglesey, at Llangefni.—*Thos. Shoemith*, Ilkley, Yorkshire, boot maker, Oct. 23 at 11, County Court of Yorkshire, at Otley.—*Wm. Brearcliffe*, Otley, Yorkshire, out of business, Oct. 23 at 11, County Court of Yorkshire, at Otley.—*George Smart*, Lydney, Gloucestershire, stationer, Nov. 6 at 11, County Court of Monmouthshire, at Chepstow.—*John Slater*, Huithwaite, near Easingwold, Yorkshire, wheelwright, Oct. 24 at 10, County Court of Yorkshire, at Easingwold.—*George Felix Higgins*, Bedford, dissenting minister, Oct. 20 at 10, County Court of Bedfordshire, at Bedford.—*John Addicott*, New Radford, Nottinghamshire, upholsterer, Oct. 24 at 10, County Court of Nottinghamshire, at Nottingham.—*Joseph Jackson*, Bingham, Nottinghamshire, nail maker, Oct. 25 at 10, County Court of Nottinghamshire, at Bingham.—*Bartholomew Beckett*, Little Dunham, Norfolk, shoemaker, Oct. 25 at half-past 10, County Court of Norfolk, at East Dereham.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Carnarvonshire, at CARNARVON, Oct. 21 at 10.*

*W. Jones*, Dinas Velinheli, Llanfairisgaer, master mariner. *At the County Court of Yorkshire, at YORK, Oct. 23 at 9.*

*John Garlick*, Meltham, near Huddersfield, out of business.—*John Taylor*, Whitley Lower, near Dewsbury, out of business.—*James Orton*, Marsett, near Hawes, husbandman.—*Wm. Gilder*, Kirkgate, Bradford, tea dealer.—*C. Rayner*, Leeds, labourer.—*John Womack*, York, out of business.—*Wm. B. Metcalf*, Horton, near Bradford, architect.—*John Milner*, Leeds, out of business.—*Thos. Greenwood*, Sowerby,

near Halifax, woollen cloth manufacturer.—*Jonas Jowett*, Sheffield, cattle jobber.—*John Layland*, Raw Moor, near Sheffield, out of business.—*James Pickard*, York, out of business.—*Christopher Holgate*, Shipley, near Bradford, out of business.—*James Walker*, Eston in Cleveland, tea dealer.—*Edward Disen*, Bowling, near Bradford, grocer.—*James Cordingley*, Idle, near Bradford, stonemason.—*A. Bromley*, Leeds, sculptor.—*Wm. Perriitt*, Gomersall, agent for the sale of flocks.—*Luke Lund*, Bradford, butcher.—*Samuel Pearson*, Morley, near Leeds, woollen cloth manufacturer.—*Matthew Butterworth*, Morley, near Leeds, woollen cloth manufacturer.—*Benjamin Smith*, Dewsbury, out of business.

*At the County Court of Warwickshire, at WARWICK, Oct. 23 at 10.*

*Ann Cotterill*, widow, Birmingham, out of business.

*At the County Court of Warwickshire, at COVENTRY, Oct. 25 at 10.*

*Thomas Grimmit*, Coventry, shopkeeper.—*James Heritage* the younger, Dunchurch, draper.—*Wm. Berbury*, Coventry, licensed victualler.—*Thomas Partridge*, Birmingham, out of business.—*John Willon* the younger, Birmingham, out of business.—*Christopher Davis*, Middleton, farm labourer.—*Samuel Mottram*, Tamworth, Staffordshire, out of business.—*Thomas Millership*, Dudley, mine agent.—*John J. Saunders*, Coventry, out of business.—*Charles Phillips*, Birmingham, brass cock founder.—*Joseph Phillips*, Birmingham, provision dealer.—*John M'Caun*, Birmingham, out of business.—*Thos. Carrington*, Edgbaston, near Birmingham, cigar manufacturer.

*At the County Court of Kent, at DOVER, Oct. 25 at 11.*

*George R. Goodman*, Brighton, Sussex, solicitor.—*John Hudson*, Brighton, Sussex, baker.

## MEETING.

*Thomas Lancaster*, Liverpool, assistant to a publican, Oct. 21 at 11, at Frodsham's, Liverpool, sp. aff.

## TUESDAY, OCTOBER 10.

## BANKRUPTS.

**HENRY CHATTERIS**, Lothbury, London, merchant, dealer and chapman, Oct. 19 at 11, and Nov. 21 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Reed & Co., Friday-street, Chesapeake, London.—Petition filed Oct. 7.

**JOSEPH TREVETHAN**, Lower Norwood, Surrey, brick-maker, Oct. 25 at 11, and Nov. 21 at half-past 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Kingdon & Shephard, 16, Clifford's-inn, Fleet-street, London.—Petition filed Sept. 28.

**THOMAS WAGHORN**, Rochester, Kent, draper, dealer and chapman, Oct. 25 at half-past 2, and Nov. 22 at 2, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Prall, jun., Warwick-chambers, Gray's-inn-square.—Petition filed Sept. 12.

**GEORGE FOX**, Crombie's-row, Commercial-road East, Middlesex, clothier, tailor, dealer and chapman, Oct. 21 and Nov. 25 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Steinberg, 32, Broad-street, City.—Petition dated Oct. 7.

**LEWIS BASSETT**, Merthyr Tydvil, Glamorganshire, grocer, dealer and chapman, Oct. 23 and Nov. 21 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Castle & Co., Bristol.—Petition filed Sept. 30.

**JOHN HUGHES**, Bangor, Carnarvonshire, innkeeper, Oct. 20 and Nov. 16 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Evans & Son, Liverpool.—Petition filed Oct. 9.

**DANIEL LONGDIN**, Manchester, ironfounder, Oct. 23 and Nov. 10 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sol. Blair, Manchester.—Petition filed Oct. 5.

**JOSEPH BURGE GODFREY**, Taunton, Somersetshire, coachmaker, Oct. 20 and Nov. 23 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. H. C. & F. A. Trenchards, Taunton; Stogdon, Exeter.—Petition filed Oct. 9.

## MEETINGS.

*Samuel Routledge*, Huddersfield, Yorkshire, dyer, Nov. 13 at 11, District Court of Bankruptcy, Leeds, pr. d.—*Nathan Langlands*, Dartford, Kent, grocer, Oct. 21 at 11, Court of Bankruptcy, London, and. ac.; Oct. 31 at half-past 1, div.—

*Edwin Pritchard*, Southampton, brick manufacturer, Oct. 21 at 12, Court of Bankruptcy, London, aud. ac.—*J. G. Lacy*, Great St. Helen's, Bishopsgate-street, London, gun manufacturer, Oct. 31 at 12, Court of Bankruptcy, London, aud. ac.—*Thomas Harvey*, Tryford-street, Caledonian-road, Islington, Middlesex, builder, Oct. 21 at 11, Court of Bankruptcy, London, aud. ac.—*Wm. Holloway*, Watford, Hertfordshire, coal merchant, Oct. 21 at 11, Court of Bankruptcy, London, aud. ac.—*Henry Pearce*, Welwyn, Hertfordshire, and Finsbury-place South, London, merchant, Oct. 21 at 12, Court of Bankruptcy, London, aud. ac.—*E. T. Roe*, Brighton-place, Brixton-road, Surrey, oilman, Oct. 21 at 12, Court of Bankruptcy, London, aud. ac.—*J. P. Brierley*, *S. Brierley*, and *G. Brierley*, Oldham, Lancashire, cotton spinners, Oct. 26 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Nov. 2 at 12, div.—*W. Edmond* and *T. Edmond*, Liverpool, merchants, Nov. 4 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Wm. Green*, Birkenhead, Cheshire, auctioneer, Oct. 23 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*R. Hadland*, St. Helen's, Lancashire, glass manufacturer, Oct. 23 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*John Clegg*, Liverpool, licensed victualler, Oct. 23 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Howard Busby Fox*, Liverpool, metal broker, Oct. 23 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Henry Endacott*, Okehampton, Devonshire, innkeeper, Oct. 24 at 1, District Court of Bankruptcy, Exeter, aud. ac.—*Geo. Fred. Blossam*, Lakesland-grove, near Ivy Bridge, Devonshire, horse dealer, Oct. 24 at 1, District Court of Bankruptcy, Exeter, aud. ac.—*George Ogilby*, Plymouth, Devonshire, builder, Oct. 23 at 1, District Court of Bankruptcy, Plymouth, aud. ac.—*T. Jewitt* and *Edmund Micklewood*, Plymouth, Devonshire, stationers, Oct. 23 at 1, District Court of Bankruptcy, Plymouth, aud. ac.—*Henry Preston Goodwin*, Solihull, Warwickshire, tallow chandler, Nov. 1 at 10, District Court of Bankruptcy, Birmingham, aud. ac.—*Wm. Ackland*, Salisbury-street, Lisson-grove, and *Fred. Mason Goodwin*, High-street, Portland-street, Middlesex, linendrapers, Oct. 31 at 11, Court of Bankruptcy, London, div. joint est., and div. sep. est. of *William Ackland*.—*Robert Brown* and *John Burnham*, Potton, Bedfordshire, common brewers, Oct. 31 at half-past 11, Court of Bankruptcy, London, div., and div. sep. est. of *Robert Brown*.—*Thomas Davis* and *Wm. Whitehouse Granger Garrett*, Rathbone-place, Oxford-st., Middlesex, export oilmen, Oct. 31 at 1, Court of Bankruptcy, London, div.—*J. Stepp*, Snow-hill, London, wholesale cheesemonger, Nov. 2 at 12, Court of Bankruptcy, London, div.—*Robert Robson* and *John Thomas Robson*, Derby, silk manufacturers and silk throwsters, Oct. 24 at 10, District Court of Bankruptcy, Nottingham, aud. ac.; Oct. 31 at 10, div.—*Henry Anderson*, Leicester, manufacturer of carved frames, Oct. 24 at 10, District Court of Bankruptcy, Nottingham, aud. ac.; Oct. 31 at 10, div.—*Thomas Robinson*, Hexham, Northumberland, carrier, Nov. 3 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—*H. Wm. Gibb*, Liverpool, shipowner, Nov. 2 at 11, District Court of Bankruptcy, Liverpool, div.—*John Thomson* and *William Leith*, Liverpool, timber merchants, Nov. 2 at 11, District Court of Bankruptcy, Liverpool, div. sep. est. of *W. Leith*.—*Edmund Whittenbury Robinson*, Liverpool, cotton broker, Nov. 2 at 11, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*John Featon*, Three-oilt-street, Limehouse, Middlesex, draper, Nov. 7 at 11, Court of Bankruptcy, London.—*H. Busby Fox*, Liverpool, metal broker, Nov. 1 at 11, District Court of Bankruptcy, Liverpool.—*Samuel Routledge*, Huddersfield, Yorkshire, dyer, Nov. 13 at 11, District Court of Bankruptcy, Leeds.—*George Edwin Tovey*, Evesham, Worcestershire, innkeeper, Nov. 2 at 10, District Court of Bankruptcy, Birmingham.

To be granted, unless an Appeal be duly entered.

*Charles Evans*, New Bond-street, Middlesex, auctioneer.—*James Vicat* the younger, Strand, Middlesex, tailor.—*Giulio Buono*, Fenchurch-street, London, merchant.—*Auguste Silvestre*, Argyll-street, Regent-street, Middlesex, importer of fancy goods.—*Thomas Wilkinson*, Grosvenor-street, Eaton-square, Middlesex, coal merchant.—*Edward Thomas Roe*, Brighton-place, Brixton-road, Surrey, oilman.

#### PETITIONS ANNULLED.

*Francis Burrow*, Redruth, Cornwall, draper.—*W. Beckett*, Gillingham, Norfolk, cattle dealer.—*Henry Kerfoot*, Bedford, near Leigh, Lancashire, silk manufacturer.

#### PARTNERSHIP DISSOLVED.

*Henry Phillips*, *Robt. Voss*, and *Edward Augustus Madden*, Sine-lane, London, attorneys and solicitors, (so far as regards *Robert Voss*).

#### SCOTCH SEQUESTRATIONS.

*Jas. Calvert*, deceased, Glasgow, proprietor of the Queen's Theatre.—*James Wilson*, deceased, Haylee, near Largs.—*J. Simpson*, deceased, Broomhill, by Invergordon, Ross-shire, farmer.—*Goldie & Inglis*, Glasgow, ironfounders.—*J. & W. Scott*, Glasgow, ship brokers.—*Robert Gallacher*, Greenock, fishmonger.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Henry Challenger*, Bishop, Somersetshire, out of business, Nov. 9 at half-past 10, County Court of Gloucestershire, at Bristol.—*Walter A. Lane*, Bristol, cabinet maker, Nov. 2 at half-past 10, County Court of Gloucestershire, at Bristol.—*Henry Jones*, Bristol, beer retailer, Nov. 9 at half-past 10, County Court of Gloucestershire, at Bristol.—*Joseph Taylor*, Leicester, baker, Nov. 15 at 10, County Court of Leicester-shire, at Leicester.—*Joseph Wade*, Ilkeston, Derbyshire, builder, Oct. 26 at 10, County Court of Derbyshire, at Belper.—*Sarah Brice*, Cheltenham, Gloucestershire, out of business, Nov. 8 at 10, County Court of Gloucestershire, at Cheltenham.—*James Hughes*, Straits, near Sedgley, Staffordshire, carpenter, Oct. 27 at 9, County Court of Worcestershire, at Dudley.—*James Davis*, Tipton, Staffordshire, grocer, Oct. 27 at 9, County Court of Worcestershire, at Dudley.—*William Summers*, Broadway, Somersetshire, land surveyor, Nov. 22 at 10, County Court of Somersetshire, at Langport.—*Oliver Dring*, Cambridge, pork butcher, Oct. 23 at 10, County Court of Cambridgeshire, at Cambridge.—*Charles Robinson*, Cambridge, pork butcher, Oct. 23 at 10, County Court of Cambridgeshire, at Cambridge.—*Charles King*, Cherryhinton, Cambridgeshire, licensed victualler, Oct. 23 at 10, County Court of Cambridgeshire, at Cambridge.—*Alfred W. Driver*, Cambridge, baker, Oct. 23 at 10, County Court of Cambridgeshire, at Cambridge.—*Wm. Thomas*, Aberdare, Glamorganshire, tailor, Oct. 12 at 10, County Court of Glamorganshire, at Merthyr Tydvil.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

Nov. 22 at 10, before the CHIEF COMMISSIONER.

*Wm. Russell*, Hammersmith, Middlesex, cab proprietor.—*Samuel Atkins* the younger, Berkeley-mews, Portman-square, Middlesex, in no business.—*Joseph Stammers*, Brydges-street, Covent-garden, Middlesex, musical director.—*Samuel Palmer*, Freed-street, Paddington, Middlesex, clerk to an alpaca merchant.—*Thomas Adams*, Great Warner-street, Clerkenwell, Middlesex, wheelwright.—*Thomas Clarke*, Mace-st., Hackney, Middlesex, foreman to an engineer.

Dec. 14 at 11, before Mr. Commissioner PHILLIPS.

*Peter N. Adkins*, Willow-street, Grange-road, Bermondsey, Surrey, out of business.—*Thomas E. Souper*, St. Bride's-passage, Fleet-street, London, clerk to an engineer.—*William Jones*, Skinner-street, Bishopsgate-street Without, London, cowkeeper.—*Thomas Eames*, Acacia Cottage, Downham-road, Kingland-road, Middlesex, tailor.—*Thomas Taylor*, St. George's-place, Hyde-park, Middlesex, carpenter.—*George N. Turnbull*, Smirk's-road, Old Kent-road, Surrey, clerk to a builder.—*Thomas Cheal*, Mill-lane, Brixton-hill, Brixton, Surrey, carman.—*John Harvey*, Great Warley, Essex, baker.

Saturday, Oct. 7.

Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.

*Thomas Parnell* the younger, Westbury-road, Harve-



road, Middlesex, carpenter, No. 64,659 T.; J. Rolfe, assignee.—*Thomas Hanesworth*, Bolton-le-Moors, Lancashire, hatter, No. 78,356 C.; James Gee, assignee.—*John Kempter*, London-wall, London, engraver, No. 64,613 T.; James Pattison, assignee.—*W. Osborne*, Hampstead-road, Middlesex, butcher, No. 64,621 T.; John Webb, assignee.

Saturday, Oct. 7.

Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—

(On their own Petitions).

*Wm. Lellam*, James-st., Cannon-st.-road, St. George's-in-the-East, Middlesex, mining agent: in the Debtors Prison for London and Middlesex.—*Henry Mawton Julian*, Arundel-st., Strand, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Francis Edward Steele*, Norland-road, Shepherd's-bush, Middlesex, assistant to a licensed victualler: in the Debtors Prison for London and Middlesex.—*Wm. Paxon*, High-st., Hampstead, Middlesex, auctioneer: in the Debtors Prison for London and Middlesex.—*Charles Norwood* the younger, Southgate-road, West Hackney, Middlesex: in the Debtors Prison for London and Middlesex.—*Walter Collett*, Windsor-place, Old Kent-road, Surrey, cheesemonger: in the Queen's Prison.—*Thomas Dowding*, Clayton-place, Caledonian-road, Islington, Middlesex, cheesemonger: in the Debtors Prison for London and Middlesex.—*John Leykauff*, Clapham-road-place, Surrey, not in any trade: in the Queen's Prison.—*Geo. Andrews*, Aston, Warwickshire, baker: in the Gaol of Coventry.—*William H. Moschay*, Bristol, omnibus conductor: in the Gaol of Bristol.—*George Noel*, Cardiff, Glamorganshire, salesman of ship chandlery goods: in the Gaol of Cardiff.—*David Clayton*, Bingley, Yorkshire, mechanic: in the Gaol of York.—*James Steed*, West Malvern, Worcestershire, bricklayer: in the Gaol of Worcester.—*Lawrence Clapham*, Lawkland, near Settle, Yorkshire, farm labourer: in the Gaol of York.—*H. Ase*, Sheffield, Yorkshire, slate merchant: in the Gaol of York.—*Julius Joseph*, Manchester, dealer in cigars: in the Gaol of Lancaster.—*Edwin Eaton*, Salford, Lancashire, baker: in the Gaol of Lancaster.—*Robert Thompson*, Durham, joiner: in the Gaol of Durham.—*Alfred Vidler* the younger, Hastings, Sussex, painter: in the Gaol of Lewes.—*Francis Taylor*, Brighton, Sussex, lodging-house keeper: in the Gaol of Lewes.—*Wm. Scooby*, Middlesbrough-on-Tees, Yorkshire, plumber: in the Gaol of York.—*Elizabeth Francis*, Manchester, grocer: in the Gaol of Lancaster.—*John Berry*, Heywood, near Bury, Lancashire, out of business: in the Gaol of Lancaster.—*M. Medcalf*, Manchester, brush manufacturer: in the Gaol of Lancaster.—*R. Riding*, Altrincham, near Manchester, builder: in the Gaol of Lancaster.—*S. Green*, Manchester, out of business: in the Gaol of Lancaster.—*Jas. Stott*, Rochdale, Lancashire, printer: in the Gaol of Lancaster.—*Jas. Wild*, Over Darwen, near Blackburn, Lancashire, out of business: in the Gaol of Lancaster.—*James Pickup*, Wood Top, near Barnley, Lancashire, labourer: in the Gaol of Lancaster.—*James Taylor*, Lancaster, out of business: in the Gaol of Lancaster.—*Samuel Whiteley*, Salford, Lancashire, out of business: in the Gaol of Lancaster.—*Jas. Birtwistle*, Alden, near Haslingden, Lancashire, out of business: in the Gaol of Lancaster.—*Thos. Weech Jones Forwood*, Tiverton, Devonshire, attorney-at-law: in the Gaol of St. Thomas-the-Apostle.—*John Woodman*, Birmingham, wire worker: in the Gaol of Coventry.—*John Dales*, Manchester, out of business: in the Gaol of Lancaster.—*Thomas Thompson*, Durham, joiner: in the Gaol of Durham.

(On Creditor's Petition).

*Francis Armstrong*, Haltwistle, Northumberland, labourer: in the Gaol of Morpeth.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Buckinghamshire, at AYLESBURY, Oct. 26 at 10.

*John House Baker*, Langley Broom, Langley Marsh, in no business.

At the County Court of Yorkshire, at SHEFFIELD, Nov. 1 at 12.

*Henry Roberts*, Sheffield, scissor manufacturer.

At the County Court of Gloucestershire, at BRISTOL, Nov. 2 at half-past 10.

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# The Jurist

No. 928—Vol. XVIII. OCTOBER 21, 1854.

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LONDON, OCTOBER 21, 1854.

## OF INJUNCTIONS.

(Continued from p. 368).

There is a class of cases in which the doctrine of relief against fraud has been carried to an extent which seems almost to defeat the very object of that doctrine, and to repress fraud in one party by supporting it in another. I allude to the cases in which persons having concealed the truth, or made false representations respecting their legal and fair claims, for the purpose of enabling fraud to be committed upon others, or upon the policy of the law, have been restrained by equity from afterwards enforcing their claims, even as against themselves and the parties to the fraud. (*Gale v. Lindo*, 1 Vern. 475; *Id.* 348; *Montefiori v. Montefiori*, 1 W. Bl. 363; see also *Lamlee v. Hanman*, 2 Vern. 466, and *Turton v. Benson*, *Id.* 764; 1 P. Wms. 496).

But in cases of this kind, where equities are equal, the rule "Qui prior est in tempore potior est in jure" applies. (*Roberts v. Roberts*, 3 P. Wms. 66).

In some of the cases above mentioned it is to be observed that the instruments given were originally without valuable consideration, and the transaction altogether based on a fraudulent purpose; but the leading case on this subject is *Neville v. Wilkinson*, (1 Bro. C. C., App., 543), in which the legal title was originally fair, and based on a valuable consideration, and yet the plaintiff at law was deprived in equity of the benefit of such his legal title, because he had so dealt with it as to make it an instrument of fraud on a third party. In that case the defendant was the plaintiff's solicitor, and, having had various pecuniary transactions with him, had claims against him for a valuable consideration to a considerable amount. On the occasion of the plaintiff's negotiations for a marriage with the daughter of Robinson, the defendant was induced by the persuasions of the plaintiff to make to Robinson a false representation of the plaintiff's debts, and in particular to conceal the

debt to himself. It did not appear that the extent of the plaintiff's debts was a condition of the father's consent. The Lord Chancellor said the defendant confessed a confederacy to cheat Robinson, and he would not lay it down as a rule, that fraud in cases of that nature must be upon an article expressly contracted for; and granted an injunction to restrain the defendant from proceeding to recover any debt due before the marriage of Neville, except certain claims agreed upon between the parties; and he delivered his opinion that the defendant could not ever recover that debt against the plaintiff. (See also, as to the effect of a private agreement in fraud of a marriage contract, *Palmer v. Neave*, 11 Ves. 165).

We take now, out of its order, the subject of injunctions to restrain infringement of patents, as a subject on which, perhaps, the earliest use of the common-law jurisdiction, by way of injunction, is likely to be exercised.

In order to prevent irreparable mischief, or to suppress multiplicity of suits and vexatious litigation, equity interferes by injunction to restrain the infringement of alleged patent rights for inventions. (Vide 2 Story's Eq. Jur. 209; Jer. Eq. Jur., b. 3, c. 2, s. 1, p. 327; 1 Fonb. Eq. 34, notis). The jurisdiction, in restraining the infringement of patents, is in aid of a legal right; the plaintiff coming to the Court on the assumption that he has a legal right, and the Court granting its assistance on that ground. (Per Lord Cottenham, C., in *Bacon v. Jones*, 4 My. & C. 436).

At the present day it is not generally necessary that the plaintiff should establish his right at law in order to come into equity, the right appearing *prima facie* on record by the letters-patent. (Mitf. Pl. 147; *Hicks v. Raincock*, Dick, 647; and see 2 Atk. 391; *Anon.*, 1 Ves. sen. 476). See the case of *The Universities of Oxford and Cambridge v. Richardson*, (6 Ves. 689, 707), where the principle in regard to patents is stated to be, that if a party gets his patent and puts his invention

execution, and has proceeded to a sale, that may be called possession under it. However doubtful it may be whether the patent can be sustained, equity will hold that possession under a colour of title is ground enough to enjoin, and to continue the injunction till it shall be proved at law that it is only colour, and not real title.

(To be continued).

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III. On the Accumulation of Income—Stat. 39 & 40 Geo. 3, c. 98; Accumulation independent of the Statute.

The Lectures to be delivered to the Private Classes will comprise the following subjects:—With the Senior Class the Reader proposes to discuss the application of the rule in *Shelley's case*, as illustrated by modern decisions; and with the Junior Class, the leading principles upon which the Learning of Powers and Contingent Remainders is founded, and the application of those principles to the Practice of Conveyancing.

The Public Lectures will be delivered at Gray's Inn Hall on Friday in each week, at two p.m., (the first Lecture to be delivered on the 10th November). The Private Classes will be held in the North Library of Gray's Inn on Monday, Wednesday, and Friday mornings, from a quarter to twelve to a quarter to two o'clock.

### JURISPRUDENCE AND THE CIVIL LAW.

The Reader on Jurisprudence and the Civil Law will, in the course of the ensuing Educational Term, deliver Six Public Lectures on the following subjects:—

I. On the Science of Jurisprudence, its Nature, Limits, and Uses—On some prevalent errors concerning it, and the misapprehensions from which they have arisen.

II. The Analysis of the Conceptions implied in the Primary Terms of Jurisprudence—On the extreme importance of this Analysis, the mode in which it has occasionally been prosecuted, and the results to which it has been supposed to lead.

III. The Relation of Jurisprudence to certain Departments of Moral Philosophy—The Jus Gentium and Jus Naturale of the Romans—On some Modern Theories of Natural Law, considered with reference to the soundness of the assumptions on which they rest.

IV. On Grotius, his Method, his Doctrines, and the School which he founded—The Influence of his Writings on Modern Private Law and on the International System—On some recent Symptoms of Reaction against his Views.

V. and VI. On the Roman Civil Law and its Relation to Scientific Jurisprudence—On the principal Points of Contrast between the Laws of England and the System of the Jurisconsults—The Study of the Civil Law in England, and the grounds on which it is to be defended and recommended.

With his Private Class the Reader proposes to discuss the Roman Law of Property, using as his Text-book the *Institutiones Juris Romani Privati* of Wamkönig. It is desirable that students should provide themselves with the Latin text of Justinian's Institutes, and of Gaius's Commentaries; and also, if possible, with the Explication Historique des Instituts of Ortolan, or with the annotated English edition of the Institutes by Sanders. Copies of the entire Corpus Juris will be found in the Lecture Room.

The Public Lectures will be delivered in the Hall of the Middle Temple on Tuesday in each week, at two p.m., (the first Lecture of the course on Tuesday, the 7th November).

The Private Classes will assemble at the Class-room in Garden-court on Tuesday, Thursday, and Saturday evenings, from seven to nine o'clock.

### COMMON LAW.

The Reader on Common Law proposes to deliver, during the Educational Term, commencing on the 1st November, 1854, a course of Six Public Lectures, as under:—

Lecture I.—A Preliminary View will in this Lecture be taken of our Common Law, and of some of the leading principles which it recognises.

Lectures II and III.—Of the Nature of Legal Rights generally—Rights ex Contractu and Rights ex Delicto, how distinguishable.

Lecture IV.—Of our Legal Tribunals, superior and inferior.

Lecture V.—The Remedy by Action at Law, or by Suit in the County Court, when applicable.

Lecture VI.—Of Extraordinary Remedies.

With his Private Class the Reader on Common Law proposes to discuss the subjects indicated in the above Prospectus, so that a foundation may thus be laid for future Lectures concerning the Law of Contracts and of Torts. The books to be principally made use of in the present Introductory Course will be Smith's Leading Cases, Smith's Lectures on Contracts, and Blackstone's (or Stephen's) Commentaries.

The Lectures on Common Law during the ensuing Educational Term will be delivered, and the Private Classes will meet, in the Hall of the Inner Temple, as under:—

The Public Lecture on Monday in each week at two P.M.

The Private Class on Tuesday, Thursday, and Saturday mornings, from a quarter to twelve to a quarter to two o'clock.

By Order of the Council,  
(Signed) RICHARD BETHELL,  
Chairman.

Council Chamber, Lincoln's Inn,  
Oct. 13, 1854.

Note.—The Educational Term commences on the 1st November, and ends on the 22nd December, 1854.

The several Readers will receive their respective Classes on the appointed days, commencing on Monday, the 6th November.

## PUBLIC GENERAL STATUTES.

17 & 18 VICTORIA.—SESSION 2.

(Continued from p. 372).

### CAP. CIV.

An Act to amend and consolidate the Acts relating to Merchant Shipping. [10th August, 1854.]

### ARRANGEMENT OF CLAUSES.

#### PRELIMINARY.

Preamble.

1. Short title of act.
2. Interpretation of certain terms in this act.
3. Commencement of act.
4. Exemption of her Majesty's ships.
5. Division of act.

#### PART I.

##### THE BOARD OF TRADE—ITS GENERAL FUNCTIONS.

6. Board of Trade to be department to superintend merchant shipping.
7. Certificates and documents purporting to be sealed or signed in a given manner.
8. Board of Trade to issue forms of instruments, (other than those required by the second part of the act).
9. Certain forms and instruments to be exempt from stamp duty.
10. Penalties for forgery of seal and fraudulent alteration of forms, and for not using forms issued by the Board.
11. Application of monies and fines paid to Board of Trade.
12. Returns to Board of Trade.
13. Officers of Board of Trade, naval officers, consuls, the registrar-general of seamen, officers of customs, and shipping masters may inspect documents and muster crews.
14. Board of Trade may appoint inspectors.
15. Powers of inspectors; witnesses to be allowed expenses; penalty for refusing to give evidence.
16. Penalty for obstructing inspectors in the execution of their duty.

#### PART II.

##### BRITISH SHIPS—THEIR OWNERSHIP, MEASUREMENT, AND REGISTRY.

17. Application of Part II of act.

##### Description and Ownership of British Ships.

18. Description and ownership of British ships.
19. British ships, with certain exceptions, must be registered.

##### Measurement of Tonnage.

20. Tonnage deck; feet; decimals.
21. Rule I. For ships to be registered, and other ships of which the hold is clear.
22. Rule II. For ships not requiring registry, or with cargo on board.
23. Allowance for engine-room in steamers. To be rateable in ordinary steamers. May be measured where the space is unusually large or small. Mode of measurement.
24. Open ships, how measured.
25. Tonnage and number of certificate to be carved on main beam.
26. Tonnage, when once ascertained, to be ever after deemed the tonnage.
27. Re-measurement of ships already registered may be made, but not to be compulsory.
28. Power to re-measure engine-rooms improperly extended.
29. Officers may be appointed, and regulations made for measurement of ships.

##### Registry of British Ships.

30. Registrars of British ships.
31. Substitution of governor abroad for commissioners of customs, and of consul for justice.
32. Registrar to keep register books.
33. Port of registry of British ship.
34. Name of ship.
35. Application for registry, by whom to be made.
36. Survey of ship.
37. Rules as to entries in register book.
38. Declaration of ownership by individual owner.
39. Declaration of ownership by body corporate.
40. Evidence to be produced on registry.
41. Penalty on builder for false certificate.
42. Particulars of entry in register book.
43. No notice taken of trusts.

##### Certificate of Registry.

44. Certificate of registry to be granted.
45. Change of owners to be indorsed on certificate of registry.
46. Change of master to be indorsed on certificate of registry.
47. Power to grant new certificate.
48. Provision in case of loss, &c. of certificate.
49. Provisional certificate, when to be delivered up.
50. Custody of certificate; delivery of certificate may be required; penalty for detention.
51. Mode of proceeding if detaining party abscond.
52. Penalty for using improper certificate.
53. Certificate of ship lost or ceasing to be British to be delivered up.
54. Provisional certificate for ship becoming vested in British owners at foreign port.

##### Transfers and Transmissions.

55. Transfer of ships or shares therein.
56. Declaration to be made by transferee.
57. Registration of transfer.
58. Transmission of shares by death, bankruptcy, or marriage.
59. Proof of transmission by bankruptcy, marriage, will, or on intestacy.
60. Registration of transmitted share.
61. Registrar to retain certain evidence.
62. Unqualified owner entitled by transmission may apply to Court for sale of ship.
63. Order to be made by Court.
64. Limit of time for application.
65. Power of Courts to prohibit transfers.

##### Mortgages.

66. Mortgage of ships and shares therein.
67. Mortgages to be registered in order of time of production.
68. Entry of discharge of mortgage.
69. Priority of mortgages.
70. Mortgagee not to be deemed owner.
71. Mortgagee to have power of sale.
72. Rights of mortgages not affected by any act of bankruptcy of mortgagor.
73. Transfer of mortgages.

74. Transmission of interest of mortgages by death, bankruptcy, or marriage.

75. Entry of transmitted mortgage.

#### *Certificates of Mortgage and Sale.*

76. Powers of mortgage and sale may be conferred by certificate.

77. Requisites for certificates of mortgage and sale.

78. Restrictions on certificates of mortgage and sale.

79. Forms of certificates of mortgage and sale.

80. Rules as to certificates of mortgage.

81. Rules as to certificates of sale.

82. Power of Commissioners of Customs in case of loss of certificate of mortgage or sale.

83. Revocation of certificates of mortgage and sale.

#### *Registry anew and Transfer of Registry.*

84. Alteration in ship to be registered.

85. On alteration registry anew may be required.

86. Grant of provisional certificate in respect of alteration.

87. Consequence of omission to register anew.

88. On change of owners, registry anew may be granted, if required.

89. Registry may be transferred from port to port.

90. Manner of transfer of registry.

91. Transfer of registry not to affect rights of owners.

#### *Registry, Miscellaneous.*

92. Inspection of register books.

93. Indemnity to registrar.

94. Return to be made by registrars to Commissioners of Customs.

95. Application of fees.

96. Commissioners of Customs to provide, and, with consent of Board of Trade, may alter forms and issue instructions.

97. Power to registrar to dispense with declarations and other evidence.

98. Power for commissioners or governor in special cases to grant a pass to a ship not registered.

99. Provision for cases of infancy or other incapacity.

100. Liabilities of owners.

#### *Forgery.*

101. Punishment for forgery.

#### *National Character.*

102. National character of ship to be declared before clearance.

103. Penalties :

for unduly assuming a British character :

for concealment of British or assumption of foreign character :

for acquiring ownership if unqualified :

for false declaration of ownership.

104. Officer not liable for any seizure made on reasonable grounds.

105. Penalty for carrying improper colours.

106. Effect of declaration in the act that a ship shall not be recognised as a British ship.

#### *Evidence.*

107. Copies of registers and declarations to be admissible in evidence, and to be *prima facie* proof of certain things.

#### *Saving Clause.*

108. Saving of the 3 & 4 Vict. c. 56, relating to East Indian ships.

### PART III.

#### MASTERS AND SEAMEN.

109. Application of Part III of act.

#### *Local Marine Boards.*

110. Constitution of local marine boards.

111. Qualification of voters for members of local marine boards.

112. Lists of such voters to be made.

113. Revision of list of voters.

114. Registers to be produced.

115. Expenses to be paid by Board of Trade.

116. Persons on revised list qualified to vote.

117. Qualification of members of local marine boards.

118. Error in elections not to vitiate acts done.

119. Minutes and business of local marine boards.

120. If any local marine board fails to discharge its duties, Board of Trade may assume its duties, or direct a new election.

121. Board of Trade, on complaint, may alter arrangements made by local marine boards.

#### *Shipping Offices.*

122. Local marine boards to establish shipping offices.

123. Board of Trade to have partial control over shipping offices.

124. Business of such offices generally.

125. Fees to be paid upon engagements and discharges.

126. Masters to pay fees, and to deduct part from wages; proviso as to excess.

127. Penalty on shipping masters taking other remuneration.

128. Business of shipping offices may be transacted at custom-houses.

129. In London sailors' homes may be shipping offices.

130. Dispensation with shipping master's superintendence.

#### *Examinations and Certificates of Masters and Mates.*

131. Examinations to be instituted for masters and mates.

132. Powers of Board of Trade over examinations.

133. Fees to be paid by applicants for examination.

134. Certificates of competency to be granted to those who pass.

135. Certificates of service to be delivered to persons who served as masters or mates before 1851, and to certain naval officers; and certificates of service for home-trade passenger ships to be delivered to persons who have served as masters or mates in such ships before the 1st January, 1854.

136. No foreign-going ship or home-trade passenger ship to proceed to sea without certificates of the master and mates.

137. Certificates for foreign-going ships available for home-trade passenger ships.

138. The registrar to record grants, cancellations, &c. of certificates; duplicates and entries to be evidence.

139. In case of loss, a copy to be granted.

140. Penalties :—For false representations; for forging or altering or fraudulently using or lending any certificate.

#### *Apprenticeships to the Sea Service.*

141. Shipping masters to assist in binding apprentices, and may receive fees.

142. Indentures of boys bound apprentices to sea service by guardians or overseers to be witnessed by two justices.

143. Indentures of apprenticeship to be exempt from stamp duty, and recorded.

144. Rules to govern apprenticeship of paupers in Great Britain and Ireland respectively.

145. Apprentices and their indentures to be brought before shipping master before each voyage in a foreign-going ship.

#### *Engagement of Seamen.*

146. Board of Trade may license persons to procure seamen.

147. Penalties :—For supplying seamen without license; for employing unlicensed persons; for receiving seamen illegally supplied.

148. Penalty for receiving remuneration from seamen for shipping them.

149. Agreements to be made with seamen, containing certain particulars; proviso as to forms for colonial ships.

150. For foreign-going ships such agreements, when made in the United Kingdom, except in special cases, to be made before and attested by a shipping master; to be in duplicate; provision for substitutes.

151. Foreign-going ships making short voyages may have running agreements.

152. Engagement and discharge of seamen in the meantime.

153. Duplicates of running agreements, how to be dealt with.

154. Fees to be paid on such running agreements.

155. In home-trade ships agreement to be entered into before a shipping master or other witness.

156. Special agreements for home-trade ships belonging to same owners.

157. Penalty for shipping seamen without agreement duly executed.

158. Changes in crew to be reported.

159. Seamen engaged in the colonies to be shipped before some shipping master or officer of customs.

160. Seamen engaged in foreign ports to be shipped with the sanction and in the presence of the consul.

161. Rules as to production of agreements and certificates of masters and mates of foreign-going ships.

162. Rules as to production of agreements and certificates for home-trade ships.

163. Alterations to be void unless attested to have been made with the consent of all parties.

164. Penalty for falsifying agreement.

165. Seamen not to be bound to produce any agreement.
166. Copy of agreement to be made accessible to crew.
167. Seamen discharged before voyage to have compensation.

#### *Allotment of Wages.*

168. Regulations as to allotment notes.
169. Allotment notes may be sued on summarily by certain persons and under certain conditions.

#### *Discharge and Payment of Wages.*

170. Discharge from foreign-going ships to be made before shipping master.
171. Master to deliver account of wages.
172. On discharge, masters to give seamen certificates of discharge, and return certificates of competency or service to mates.

173. Shipping master may decide questions which parties refer to him.

174. Master and others to produce papers to shipping masters, and give evidence.

175. Settlement of wages :—Release to be signed before and attested by the shipping master ; to be discharge ; and to be evidence ; and no other receipt to be a discharge. Voucher to be given to master, and to be evidence.

176. Master to make reports of character.

#### *Remittance of Wages, and Savings Banks for Seamen.*

177. Facilities may be given for remitting seamen's wages.
178. Power to pay when order is lost.
179. Penalty for issuing money orders with fraudulent intent.
180. Savings banks for seamen may be established.

#### *Legal Rights to Wages.*

181. Right to wages and provisions, when to begin.
182. Seamen not to give up certain rights.
183. Wages not to be dependent on the earning of freight.
184. In case of death such wages to be paid as after mentioned.
185. Rights to wages in case of termination of service by wreck or illness.
186. Wages not to accrue during refusal to work or imprisonment.

187. Period within which wages are to be paid.

#### *Mode of recovering Wages.*

188. Seamen may sue for wages in a summary manner.
189. Restrictions on suits for wages in superior courts.
190. No seaman to sue for wages abroad, except in cases of discharge or of danger to life.

191. Master to have same remedies for wages as seamen.

#### *Relief to Seamen's Families out of Poor Rates.*

192. Relief to seamen's families to be chargeable on a certain portion of their wages.
193. Notice to be given to owner, and charge to be enforced on return of the seaman.

#### *Wages and Effects of deceased Seamen.*

194. Masters to take charge of or sell effects of deceased seamen which are on board, and enter the same and wages due in the official log.

195. Such effects and wages to be paid either to consul or to shipping master, with full accounts.

196. Penalties for not taking charge of, remitting, or accounting for such monies and effects.

197. Officers of customs and consuls to take charge of effects left by seamen abroad, and to remit the same and their wages to Board of Trade.

198. Wages and effects of seamen dying at home to be paid in certain cases to Board of Trade.

199. If wages and property of deceased seamen less than 50*l.*, they may be paid over, without probate or administration, to the persons entitled.

200. Mode of payment under wills made by seamen.

201. Provision for payment of just claims by creditors, and for preventing fraudulent claims.

202. Mode of dealing with unclaimed wages of deceased seamen.

203. Punishment for forgery and false representations in order to obtain wages and property of deceased seamen.

204. Effects of seamen discharged from navy to be disposed of by Accountant-General of Navy.

#### *Leaving Seamen abroad.*

205. On discharge of seamen abroad, by sale of ship or otherwise, certificates of discharge to be given, and seamen to be sent home at expense of owner.

206. Forcing seamen on shore a misdemeanour.

207. No seamen to be discharged or left abroad without certificate of some functionary.

208. Proof of such certificate to be upon the master.

209. Wages to be paid when seamen are left behind on ground of inability.

210. Such wages to be treated as money due to the seamen, subject to payment of expense of their subsistence and passage home.

211. Distressed seamen found abroad may be relieved and sent home at the public expense.

212. Masters of British ships compelled to take them.

213. Power to sue for the amount advanced for the relief of seamen left abroad.

#### *Volunteering into the Navy.*

214. Seamen allowed to leave their ships in order to enter the navy.

215. Clothes to be delivered at once ; wages to be given to the Queen's officer on account of the seamen.

216. Repayment to owner of advance paid and not duly earned.

217. If new seamen are engaged instead of the original seamen, the owner may apply for repayment of any extra expense he has been put to.

218. Application, how to be decided on, and amount of repayment, how to be ascertained.

219. Accountant-General to pay sums when ascertained.

220. Penalty for forgery and false representations in support of such applications.

#### *Provisions, Health, and Accommodation.*

221. Survey of provisions and water on complaint made.

222. Forfeiture for frivolous complaint.

223. Allowance for short or bad provisions.

224. Medicines, lime, or lemon juice, sugar, and vinegar, to be provided and kept on board certain ships.

225. Masters to keep weights and measures on board.

226. Board of Trade and local boards may appoint inspectors of medicines, who are to see that ships are properly provided.

227. Penalty for selling bad drugs for ships.

228. Expense of medical attendance and subsistence in case of illness, and of burial in case of death, how to be defrayed.

229. Expenses, if paid by consul, to be recoverable from owner.

230. Certain ships to carry medical practitioners ; penalty.

231. Place appropriated to seamen to have a certain space for each man, and to be properly constructed and kept clear.

#### *Power of making Complaint.*

232. Seamen to be allowed to go ashore to make complaint to a justice.

#### *Protection of Seamen from Imposition.*

233. Sale of and charge upon wages to be invalid.

234. No debt exceeding 5*s.* recoverable till end of voyage.

235. Penalty for overcharges by lodging-house keepers.

236. Penalty for detaining seamen's effects.

237. Persons not to go on board before the final arrival of ship without permission.

238. Penalty for solicitations by lodging-house keepers.

#### *Discipline.*

239. Misconduct endangering ship or life or limb a misdemeanour.

240. Power of Admiralty Courts to remove master.

241. Power to investigate cases of alleged incompetency and misconduct.

242. Board of Trade may cancel or suspend certificates in certain cases.

243. Offences of seamen and apprentices, and their punishments :—Desertion ; neglecting or refusing to join or to proceed to sea ; absence within twenty-four hours before sailing, and absence without leave ; quitting without leave before ship is secured ; act of disobedience ; continued disobedience ; assault on officers ; combining to disobey ; wilful damage and embezzlement ; act of smuggling, causing loss to owner.

244. Entry of offences to be made in official log, and to be read over or a copy given to the offender, and his reply, if any, to be also entered.

245. Seamen whom masters of ships are compelled to convey, and persons going in ships without leave, to be subject to penalties for breach of discipline.

246. Master or owner may apprehend deserters without warrant.



247. Deserters may be sent on board in lieu of being imprisoned.

248. Seamen imprisoned for desertion or breach of discipline may be sent on board before the termination of the sentence.

249. Entries and certificates of desertion abroad to be copied, sent home, and admitted in evidence.

250. Facilities for proving desertion, so far as concerns forfeiture of wages.

251. Costs of procuring imprisonment may, to the extent of £l., be deducted from wages.

252. Amount of forfeiture, how to be ascertained when seamen contract for the voyage.

253. Application of forfeitures.

254. Questions of forfeitures may be decided in suits for wages.

255. Penalty for false statement as to last ship or name.

256. Fines to be deducted from wages, and paid to shipping master.

257. Penalty for enticing to desert, and harbouring deserters.

258. Penalty for obtaining passage surreptitiously.

259. On change of masters, documents hereby required to be handed over to successor.

#### *Naval Courts on the High Seas and Abroad.*

260. Naval courts may be summoned for hearing complaints, and inquiring into wrecks on the high seas or abroad.

261. Constitution of such courts.

262. General functions and mode of action of such courts.

263. Powers of such courts:—To supersede the master; to discharge a seaman; to forfeit wages; to decide disputes as to wages, fines, and forfeitures; to direct costs of imprisonment to be paid out of wages; to send home offenders for trial; to order payment of costs and compensation.

264. Orders to be entered in official log.

265. Report to be made of proceedings of naval courts.

266. Penalty for preventing complaint or obstructing investigation.

#### *Crimes committed on the High Seas and Abroad.*

267. Offences committed by British seamen at sea or in foreign ports to be within Admiralty jurisdiction.

268. Conveyance of offenders to United Kingdom or some British possession, to be tried, with the necessary witnesses.

269. Inquiry into cause of death during voyage.

270. Depositions to be received in evidence when the witness cannot be produced.

#### *Registration of and Returns respecting Seamen.*

271. Establishment of register office.

272. Register of seamen to be kept.

273. Lists to be made for all ships, containing certain particulars.

274. Lists for foreign-going ships to be delivered to shipping master on arrival.

275. Lists to be delivered by home-trade ships half-yearly.

276. Lists to be sent home in case of transfer of ship and in case of loss.

277. Shipping masters and other officers to transmit documents to registrar; registrar to permit inspection, to produce originals, and give copies.

278. Officers of customs to make returns of ships to registrar.

279. Agreements, indentures, and assignments, on arrival at a foreign port, to be deposited with the consul, and in a colony, with the officers of customs.

#### *Official Logs.*

280. Official logs to be kept in forms sanctioned by Board of Trade.

281. Entries to be made in due time.

282. Entries required in official log:—Convictions; offences; punishments; conduct and character of crew; illnesses and injuries; deaths; births; marriages; quitting ship; wages of men entering navy; wages of deceased seamen; sale of deceased men's effects; collisions.

283. Entries, how to be signed.

284. Penalties in respect of official logs.

285. Entries in official logs to be received in evidence.

286. Official logs to be delivered to shipping master.

287. Official logs to be sent home in case of transfer of ship and in case of loss.

#### *East Indies and Colonies.*

288. Provisions of act, as applied by East Indian and colonial governments to their own ships, may be enforced throughout the empire.

289. East Indian and colonial acts to be subject to disallowance, and require sanction as in other cases.

290. Conflict of laws.

#### **PART IV.**

##### **SAFETY AND PREVENTION OF ACCIDENTS.**

291. Application of Part IV of act.

##### *Boats for Sea-going Ships.*

292. Rules as to boats and life buoys not to affect provisions of Passenger Act, 15 & 16 Vict. c. 44, s. 10.

293. Penalties on masters and owners, &c. neglecting to provide boats and life buoys.

294. Officers of customs not to clear ships not complying with the above provisions.

##### *Lights and Fog Signals, and Meeting and Passing.*

295. Regulations as to lights and fog signals.

296. Rule as to ships meeting each other.

297. Rule for steamers in narrow channels.

298. If collision ensues from breach of the above rule, owner not to be entitled to recover.

299. Breaches of such rules to imply wilful default.

##### *Build and Equipment of Steam Ships.*

300. Iron steamers to be divided by water-tight partitions. Officers of customs to refuse to clear such ships unless so divided.

301. Equipment of steam ships. Safety valve. Compasses to be adjusted. Fire hose. Signals. Shelter for deck passengers.

302. Penalty for improper weight on safety valve.

##### *Survey of Passenger Steamers.*

303. Definition of passenger steamer.

304. Passenger steamers to be surveyed.

305. Board of Trade to appoint surveyors, and fix their remuneration.

306. Surveyors to have power to inspect.

307. Board of Trade to regulate mode of making surveys.

308. Penalty on surveyors receiving fees unlawfully.

309. Owners to have surveys made by shipwright and engineer surveyors, and surveyors to give declarations containing certain particulars.

310. Transmission of declarations to Board of Trade. Penalty for delay.

311. Times for surveys and transmission of declarations.

312. Board of Trade to issue certificates.

313. Manner of issuing and transmitting certificates.

314. Fees to be paid for certificates.

315. How long certificates to continue in force.

316. Board of Trade may cancel certificates, and require fresh declarations.

317. Copy of certificate to be placed in conspicuous part of ship.

318. Passenger steamer not to go to sea, or on any voyage or excursion, without certificate.

319. Penalty for carrying passengers in excess of numbers specified in certificate.

320. Forgery of declaration or certificate a misdemeanour.

321. Surveyors to make returns of the build and other particulars of steam ships, and owners and masters to give information for that purpose.

##### *Misconduct by Passengers in Steamers.*

322. Penalty on persons forcing their way on board, or refusing to quit the ship.

323. Penalty for avoiding payment of fares.

324. Penalty on persons refusing to give their name and address.

325. Power to refuse or remove passengers who are drunk or misconduct themselves.

##### *Accidents.*

326. Accidents to steam ships to be reported to Board of Trade.

327. Notice to be given of apprehended loss of steam ships.

328. Collisions to be entered in official log.

##### *Carrying Dangerous Goods.*

329. Provisions to prevent the taking dangerous goods on board without due notice.

## PART V.

## PILOTAGE.

330. Application of Part V of act.

*Power of Pilotage Authorities (General).*

331. General jurisdiction of pilotage authorities.  
 332. Power of pilotage authorities to make and extend exemptions from compulsory pilotage.  
 333. Powers of pilotage authorities.  
 334. Publication of bye-laws.  
 335. Bye-laws to be laid before Parliament.  
 336. Power of appeal to Board of Trade.

*Returns by Pilotage Authorities (General).*

337. Pilotage authorities to make full returns to Board of Trade of certain particulars connected with pilotage.  
 338. If local authorities fail to give the required returns, their jurisdiction may be transferred to the Trinity House.  
 339. Returns to be laid before Parliament.

*Licensing of Masters and Mates (General).*

340. Master or mate, if examined and passed, to receive a pilotage certificate enabling him to pilot certain ships.  
 341. Renewal of pilotage certificate.  
 342. Board of Trade to examine and grant pilotage certificates to masters and mates on pilotage authorities refusing to do so.  
 343. Fees to be paid upon such certificates, and the renewals thereof.

344. Power to withdraw pilotage certificates.

*Pilot Boats (General).*

345. Pilot boats, how to be provided.  
 346. Characteristics of pilot boats.  
 347. Qualified pilot to display flag, though not in pilot boat.  
 348. Penalty on ordinary boat displaying pilot flag.

*Pilot Licences (General).*

349. Registry of pilot licence.  
 350. Copies of regulations to be furnished to qualified pilot, and to be produced by him.  
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[The following Sections of general interest are printed at length.]

## PART I.

*Functions of Board of Trade.*

Sect. 9. All instruments used in carrying into effect the second part of this act, if not already exempted from stamp duty, and all instruments which by the third, fourth, sixth, or seventh parts of this act are required to be made in forms sanctioned by the Board of Trade, if made in such forms, and all instruments used by or under the direction of the Board of Trade in carrying such parts of this act into effect, shall be exempt from stamp duty.

## PART II.

## BRITISH SHIPS—THEIR OWNERSHIP, MEASUREMENT, AND REGISTRY.

17. The second part of this act shall apply to the whole of her Majesty's dominions.

*Description and Ownership of British Ships.*

18. No ship shall be deemed to be a British ship unless she belongs wholly to owners of the following description; that is to say—

(1). Natural-born British subjects:

Provided that no natural-born subject who has taken the oath of allegiance to any foreign sovereign or state shall be entitled to be such owner as aforesaid, unless he has subsequently to taking such last-mentioned oath taken the oath of allegiance to her Majesty, and is and continues to be during the whole period of his so being an owner resident in some place within her Majesty's dominions, or, if not so resident, member of a British factory, or partner in a house actually carrying on business in the United Kingdom, or in some other place within her Majesty's dominions:

(2). Persons made denizens by letters of denization, or naturalised by or pursuant to any act of the Imperial Legislature, or by or pursuant to any act or ordinance of the proper legislative authority in any British possession:

Provided that such persons are and continue to be during the whole period of their so being owners resident in some place within her Majesty's dominions, or, if not so resident, members of a British factory, or partners in a house actually carrying on business in the United Kingdom, or in some other place within her Majesty's dominions, and have taken the oath of

allegiance to her Majesty subsequently to the period of their being so made denizens or naturalised :

- (3). Bodies corporate established under, subject to the laws of, and having their principal place of business in the United Kingdom or some British possession.

19. Every British ship must be registered in manner hereinafter mentioned, except,

- (1). Ships duly registered before this act comes into operation :
- (2). Ships not exceeding fifteen tons burthen employed solely in navigation on the rivers or coasts of the United Kingdom, or on the rivers or coasts of some British possession within which the managing owners of such ships are resident :
- (3). Ships not exceeding thirty tons burthen, and not having a whole or fixed deck, and employed solely in fishing or trading coastwise on the shores of Newfoundland or parts adjacent thereto, or in the Gulf of St. Lawrence, or on such portion of the coasts of Canada, Nova Scotia, or New Brunswick as lie bordering on such gulf :

and no ship hereby required to be registered shall, unless registered, be recognised as a British ship ; and no officer of customs shall grant a clearance or transire to any ship hereby required to be registered for the purpose of enabling her to proceed to sea as a British ship, unless the master of such ship, upon being required so to do, produces to him such certificate of registry as is hereinafter mentioned ; and if such ship attempts to proceed to sea as a British ship without a clearance or transire, such officer may detain such ship until such certificate is produced to him.

#### *Registry of British Ships.*

30. The following persons are required to register British ships, and shall be deemed registrars for the purposes of this act ; that is to say,

- (1). At any port or other place in the United Kingdom or Isle of Man approved by the Commissioners of Customs for the registry of ships, the collector, comptroller, or other principal officer of customs for the time being :
- (2). In the islands of Guernsey and Jersey, the principal officers of her Majesty's customs, together with the governor, lieutenant-governor, or other person administering the government of such islands respectively :
- (3). In Malta, Gibraltar, and Heligoland, the governor, lieutenant-governor, or other person administering the government of such places respectively :
- (4). At any port or place so approved as aforesaid within the limits of the charter, but not under the government of the East India Company, and at which no custom-house is established, the collector of duties, together with the governor, lieutenant-governor, or other person administering the government :
- (5). At the ports of Calcutta, Madras, and Bombay, the master attendants, and at any other port or place so approved as aforesaid within the limits of the charter and under the government of the East India Company, the collector of duties, or any other person of six years' standing in the civil service of the said company who is appointed by any of the Governments of the said company to act for this purpose :
- (6). At every other port or place so approved as aforesaid within her Majesty's dominions abroad, the collector, comptroller, or other principal officer of customs or of navigation laws, or, if there is no such officer resident at such port or place, the governor, lieutenant-governor, or other person administering the government of the possession in which such port or place is situated.

31. The governor, lieutenant-governor, or other person administering the government in any British possession where any ship is registered under the authority of this act, shall, with regard to the performance of any act or thing relating to the registry of a ship or of any interest therein, be considered in all respects as occupying the place of the Commissioners of Customs ; and any British consular officer shall, in any place where there is no justice of the peace, be authorised to take any declaration hereby required or permitted to be made in the presence of a justice of the peace.

32. Every registrar shall keep a book, to be called "The Register Book," and enter therein the particulars hereinafter required to be registered.

33. The port or place at which any British ship is registered

for the time being shall be considered her port of registry, or the port to which she belongs.

34. The following rules shall be observed with respect to the names of British registered ships ; that is to say,

- (1). Before registry, the name of each ship, and of the port to which she belongs, shall be painted on a conspicuous part of her stern on a dark ground, in white or yellow letters of a length not less than four inches :
- (2). No change shall be made in the name of any registered ship :
- (3). No concealment, absence, or avoidable obliteration of the above names shall be permitted, except for the purpose of escaping capture by an enemy :
- (4). The ship shall not be described by or with the knowledge of the owner or master by any name other than the one by which she is registered :

and for every breach of the above rules, or any of them, the owner and master shall each incur a penalty not exceeding 100*l*.

37. The following rules shall be observed with respect to entries in the register book ; that is to say,

- (1). The property in a ship shall be divided into sixty-four shares :
- (2). Subject to the provisions with respect to joint owners or owners by transmission hereinafter contained, not more than thirty-two individuals shall be entitled to be registered at the same time as owners of any one ship ; but this rule shall not affect the beneficial title of any number of persons or of any company represented by or claiming under or through any registered owner or joint owner :
- (3). No person shall be entitled to be registered as owner of any fractional part of a share in a ship ; but any number of persons, not exceeding five, may be registered as joint owners of a ship, or of a share or shares therein :
- (4). Joint owners shall be considered as constituting one person only, as regards the foregoing rule relating to the number of persons entitled to be registered as owners, and shall not be entitled to dispose in severalty of any interest in any ship, or in any share or shares therein, in respect of which they are registered :
- (5). A body corporate may be registered as owner by its corporate name.

43. No notice of any trust, express, implied, or constructive, shall be entered in the register book, or receivable by the registrar ; and, subject to any rights and powers appearing by the register book to be vested in any other party, the registered owner of any ship or share therein shall have power absolutely to dispose in manner hereinafter mentioned of such ship or share, and to give effectual receipts for any money paid or advanced by way of consideration.

#### *Certificate of Registry.*

44. Upon the completion of the registry of any ship the registrar shall grant a certificate of registry in the form marked D. in the schedule hereto, comprising the following particulars ; that is to say,

- (1). The name of the ship, and of the port to which she belongs :
- (2). The details as to her tonnage, build, and description comprised in the certificate hereinbefore directed to be given by the surveyor :
- (3). The name of her master :
- (4). The several particulars as to her origin stated in the declaration or declarations of ownership :
- (5). The names and descriptions of her registered owner or owners, and if there is more than one such owner, the proportions in which they are respectively interested, indorsed upon such certificate.

#### *Transfers and Transmissions.*

55. A registered ship, or any share therein, when disposed of to persons qualified to be owners of British ships, shall be transferred by bill of sale ; and such bill of sale shall contain such description of the ship as is contained in the certificate of the surveyor, or such other description as may be sufficient to identify the ship to the satisfaction of the registrar, and shall be according to the form marked E. in the schedule hereto, or as near thereto as circumstances permit, and shall be executed by the transferor in the presence of, and be attested by, one or more witnesses.

56. No individual shall be entitled to be registered as trans-

ferce of a ship, or any share therein, until he has made a declaration in the form marked F. in the schedule hereto, stating his qualification to be registered as owner of a share in a British ship, and containing a denial similar to the denial hereinbefore required to be contained in a declaration of ownership by an original owner; and no body corporate shall be entitled to be registered as transferee of a ship, or any share therein, until the secretary or other duly appointed public officer of such body corporate has made a declaration in the form marked G. in the schedule hereto, stating the name of such body corporate, and such circumstances of its constitution and business as may prove it to be qualified to own a British ship, and containing a denial similar to the denial hereinbefore required to be contained in a declaration of ownership made on behalf of a body corporate: in the case of an individual, the above declaration shall be made, if he reside within five miles of the custom-house of the port of registry, in the presence of the registrar; but if beyond that distance, in the presence of any registrar or of any justice of the peace: in the case of a body corporate, the declaration shall be made in the presence of the registrar of the port of registry.

57. Every bill of sale for the transfer of any registered ship, or of any share therein, when duly executed, shall be produced to the registrar of the port at which the ship is registered, together with the declaration hereinbefore required to be made by a transferee; and the registrar shall thereupon enter in the register book the name of the transferee as owner of the ship or share comprised in such bill of sale, and shall indorse on the bill of sale the fact of such entry having been made, with the date and hour thereof; and all bills of sale of any ship or shares in a ship shall be entered in the register book in the order of their production to the registrar.

58. If the property in any ship, or in any share therein, becomes transmitted in consequence of the death or bankruptcy or insolvency of any registered owner, or in consequence of the marriage of any female registered owner, or by any lawful means other than by a transfer according to the provisions of this act, such transmission shall be authenticated by a declaration of the person to whom such property has been transmitted, made in the form marked H. in the schedule hereto, and containing the several statements hereinbefore required to be contained in the declaration of a transferee, or as near thereto as circumstances permit, and, in addition, a statement describing the manner in which and the party to whom such property has been transmitted; and such declaration shall be made and subscribed, if the declarant resides at or within five miles of the custom-house of the port of registry, in the presence of the registrar; but if beyond that distance, in the presence of any registrar or of any justice of the peace.

59. If such transmission has taken place by virtue of the bankruptcy or insolvency of any registered owner, the said declaration shall be accompanied by such evidence as may for the time being be receivable in courts of justice as proof of the title of parties claiming under any bankruptcy or insolvency; and if such transmission has taken place by virtue of the marriage of a female owner, the said declaration shall be accompanied by a copy of the register of such marriage, or other legal evidence of the celebration thereof, and shall declare the identity of the said female owner; and if such transmission has taken place by virtue of any testamentary instrument or by intestacy, then in England, Wales, and Ireland the said declaration shall be accompanied by the probate of the will, or the letters of administration, or an official extract therefrom, and in Scotland or in any British possession by the will, or any copy thereof, that may be evidence by the laws of Scotland or of such possession, or by letters of administration or any copy thereof, or by such other document as may by the laws of Scotland or of such possession be receivable in the courts of judicature thereof as proof of the person entitled upon an intestacy.

60. The registrar, upon the receipt of such declaration so accompanied as aforesaid, shall enter the name of the person or persons entitled under such transmission in the register book as owner or owners of the ship or share therein in respect of which such transmission has taken place; and such persons, if more than one, shall, however numerous, be considered as one person only as regards the rule hereinbefore contained relating to the number of persons entitled to be registered as owners.

61. Of the documents hereby required to be produced to the registrar, he shall retain in his possession the following;

that is to say, the surveyor's certificate, the builder's certificate, the copy of the condemnation, and all declarations of ownership.

62. Whenever any property in a ship or share in a ship becomes vested by transmission, on the death of any owner, or on the marriage of any female owner, in any person not qualified to be the owner of British ships, it shall be lawful, if such ship is registered in England or Ireland for the Court of Chancery, if in Scotland for the Court of Session, or if in any British possession for any Court possessing the principal civil jurisdiction within such possession, upon an application made by or on behalf of such unqualified person, to order a sale to be made of the property so transmitted, and to direct the proceeds of such sale, after deducting the expenses thereof, to be paid to the person entitled under such transmission, or otherwise as the Court may direct; and it shall be in the discretion of any such Court as aforesaid to make or refuse any such order for sale, and to annex thereto any terms or conditions, and to require any evidence in support of such application it may think fit, and generally to act in the premises in such manner as the justice of the case requires.

63. Every order for a sale made by such Court as aforesaid shall contain a declaration vesting the right to transfer the ship or share so to be sold in some person or persons named by the Court, and such nominee or nominees shall thereupon be entitled to transfer such ship or share in the same manner, and to the same extent, as if he or they were the registered owner or owners of the same; and every registrar shall obey the requisition of such nominee or nominees as aforesaid in respect of any transfer to the same extent as he would be compellable to obey the requisition of any registered owner or owners of such ship or share.

64. Every such application as aforesaid for sale shall be made within four weeks after the occurrence of the event on which such transmission has taken place, or within such further time as such Court as aforesaid may allow, such time not in any case to exceed the space of one year from the date of such occurrence as aforesaid; and in the event of no such application being made within such period as aforesaid, or of such Court refusing to accede thereto, the ship or share so transmitted shall thereupon be forfeited in manner hereinafter directed with respect to interests acquired by unqualified owners in ships using a British flag and assuming the British character.

65. It shall be lawful in England or Ireland for the Court of Chancery, in Scotland for the Court of Session, in any British possession for any Court possessing the principal civil jurisdiction within such possession, without prejudice to the exercise of any other power such Court may possess, upon the summary application of any interested person made either by petition or otherwise, and either ex parte or upon service of notice on any other person, as the Court may direct, to issue an order prohibiting for a time to be named in such order any dealing with such ship or share; and it shall be in the discretion of such Court to make or refuse any such order, and to annex thereto any terms or conditions it may think fit, and to discharge such order when granted with or without costs, and generally to act in the premises in such manner as the justice of the case requires; and every registrar, without being made a party to the proceedings, upon being served with such order, or an official copy thereof, shall obey the same.

#### *Mortgages.*

66. A registered ship or any share therein may be made a security for a loan or other valuable consideration; and the instrument creating such security, hereinafter termed a "mortgage," shall be in the form marked I. in the schedule hereto, or as near thereto as circumstances permit; and on the production of such instrument the registrar of the port at which the ship is registered shall record the same in the register book.

67. Every such mortgage shall be recorded by the registrar in the order of time in which the same is produced to him for that purpose; and the registrar shall, by memorandum under his hand, notify on the instrument of mortgage that the same has been recorded by him, stating the date and hour of such record.

68. Whenever any registered mortgage has been discharged, the registrar shall, on the production of the mortgage deed, with a receipt for the mortgage money indorsed thereon, duly signed and attested, make an entry in the register book to the effect that such mortgage has been discharged; and upon such entry being made, the estate, if any, which passed to the mortgagee shall vest in the same person or persons in whom the same would,

having regard to intervening acts and circumstances, if any, have vested if no such mortgage had ever been made.

69. If there is more than one mortgage registered of the same ship or share therein, the mortgagees shall, notwithstanding any express, implied, or constructive notice, be entitled in priority one over the other according to the date at which each instrument is recorded in the register books, and not according to the date of each instrument itself.

70. A mortgagee shall not by reason of his mortgage be deemed to be the owner of a ship or any share therein, nor shall the mortgagor be deemed to have ceased to be owner of such mortgaged ship or share, except in so far as may be necessary for making such ship or share available as a security for the mortgage debt.

71. Every registered mortgagee shall have power absolutely to dispose of the ship or share in respect of which he is registered, and to give effectual receipts for the purchase money; but if there are more persons than one registered as mortgagees of the same ship or share, no subsequent mortgagee shall, except under the order of some court capable of taking cognisance of such matters, sell such ship or share without the concurrence of every prior mortgagee.

72. No registered mortgage of any ship or of any share therein shall be affected by any act of bankruptcy committed by the mortgagor after the date of the record of such mortgage, notwithstanding such mortgagor at the time of his becoming bankrupt may have in his possession and disposition and be reputed owner of such ship or share thereof; and such mortgage shall be preferred to any right, claim, or interest in such ship or any share thereof which may belong to the assignees of such bankrupt.

73. A registered mortgage of any ship or share in a ship may be transferred to any person, and the instrument creating such transfer shall be in the form marked K. in the schedule hereto, and on the production of such instrument the registrar shall enter in the register book the name of the transferee as mortgagee of the ship or shares therein mentioned, and shall by memorandum under his hand record on the instrument of transfer that the same has been recorded by him, stating the date and hour of such record.

74. If the interest of any mortgagee in any ship or in any share therein becomes transmitted in consequence of death, bankruptcy, or insolvency, or in consequence of the marriage of any female mortgagee, or by any lawful means other than by a transfer according to the provisions of this act, such transmission shall be authenticated by a declaration of the person to whom such interest has been transmitted, made in the form marked L. in the schedule hereto, and containing a statement describing the manner in which and the party to whom such property has been transmitted; and such declaration shall be made and subscribed, if the declarant resides at or within five miles of the custom-house of the port of registry, in the presence of the registrar; but if beyond that distance, in the presence of any registrar or of any justice of the peace, and shall be accompanied by such evidence as is hereinbefore required to authenticate a corresponding transmission of property from one registered owner to another.

75. The registrar, upon the receipt of such declaration and the production of such evidence as aforesaid, shall enter the name of the person or persons entitled under such transmission in the register book as mortgagee or mortgagees of the ship or share in respect of which such transmission has taken place.

#### *Certificates of Mortgage and Sale.*

76. Any registered owner, if desirous of disposing by way of mortgage or sale of the ship or share in respect of which he is registered at any place out of the country or possession in which the port of registry of such ship is situate, may apply to the registrar, who shall thereupon enable him to do so by granting such certificates as are hereinafter mentioned, to be called respectively certificates of mortgage or certificates of sale, according as the purport to give a power to mortgage or a power to sell.

77. Previously to any certificate of mortgage or sale being granted, the applicant shall state to the registrar, to be by him entered in the register book, the following particulars; that is to say,

- (1). The names of the persons by whom the power mentioned in such certificate is to be exercised, and in the case of a mortgage the maximum amount of charge to be created, if it is intended to fix any such maximum, and

in the case of a sale the minimum price at which a sale is to be made, if it is intended to fix any such minimum:

- (2). The specific place or places where such power is to be exercised, or if no place be specified, then that it may be exercised anywhere, subject to the provisions hereinafter contained:

- (3). The limit of time within which such power may be exercised.

78. No certificate of mortgage or sale shall be granted so as to authorise any mortgage or sale to be made—

At any place within the United Kingdom, if the port of registry of the ship be situate in the United Kingdom; or at any place within the same British possession, if the port of registry is situate within a British possession; or

By any person not named in the certificate.

79. Certificates of mortgage and sale shall be in the forms marked respectively M. and N. in the schedule hereto, and shall contain a statement of the several particulars hereinbefore directed to be entered in the register book, and in addition thereto an enumeration of any registered mortgages or certificates of mortgage or sale affecting the ships or shares in respect of which such certificates are given.

80. The following rules shall be observed as to certificates of mortgage; that is to say,

- (1). The power shall be exercised in conformity with the directions contained in the certificate:

- (2). A record of every mortgage made thereunder shall be indorsed thereon by a registrar or British consular officer:

- (3). No mortgage *bonâ fide* made thereunder shall be impeached by reason of the person by whom the power was given dying before the making of such mortgage:

- (4). Whenever the certificate contains a specification of the place or places at which, and a limit of time not exceeding twelve months within which, the power is to be exercised, no mortgage *bonâ fide* made to a mortgagee without notice shall be impeached by reason of the bankruptcy or insolvency of the person by whom the power was given:

- (5). Every mortgage which is so registered as aforesaid on the certificate shall have priority over all mortgages of the same ship or share created subsequently to the date of the entry of the certificate in the register book; and if there be more mortgages than one so indorsed, the respective mortgagees claiming thereunder shall, notwithstanding any express, implied, or constructive notice, be entitled one before the other according to the date at which a record of each instrument is indorsed on the certificate, and not according to the date of the instrument creating the mortgage:

- (6). Subject to the foregoing rules, every mortgagee whose mortgage is registered on the certificate shall have the same rights and powers, and be subject to the same liabilities, as he would have had and been subject to if his mortgage had been registered in the register book instead of on the certificate:

- (7). The discharge of any mortgage so registered on the certificate may be indorsed thereon by any registrar or British consular officer, upon the production of such evidence as is hereby required to be produced to the registrar on the entry of the discharge of a mortgage in the register book; and upon such indorsement being made, the estate, if any, which passed to the mortgagee shall vest in the same person or persons in whom the same would, having regard to intervening acts and circumstances, if any, have vested if no such mortgage had been made:

- (8). Upon the delivery of any certificate of mortgage to the registrar by whom it was granted, he shall, after recording in the register book in such manner as to preserve its priority any unsatisfied mortgage registered thereon, cancel such certificate, and enter the fact of such cancellation in the register book; and every certificate so cancelled shall be void to all intents.

81. The following rules shall be observed as to certificates of sale; that is to say,

- (1). No such certificate shall be granted except for the sale of an entire ship:

- (2). The power shall be exercised in conformity with the directions contained in the certificate:

- (3). No sale *bonâ fide* made to a purchaser for valuable consideration shall be impeached by reason of the person by whom the power was given dying before the making of such sale:



- (4). Whenever the certificate contains a specification of the place or places at which, and a limit of time not exceeding twelve months within which, the power is to be exercised, no sale *bonâ fide* made to a purchaser for valuable consideration without notice shall be impeached by reason of the bankruptcy or insolvency of the person by whom the power was given :
- (5). Any transfer made to a person qualified to be the owner of British ships shall be by bill of sale in the form hereinbefore mentioned, or as near thereto as circumstances permit :
- (6). If the ship is sold to a party qualified to hold British ships, the ship shall be registered anew ; but notice of all mortgages enumerated on the certificate of sale shall be entered in the register book :
- (7). Previously to such registry anew there shall be produced to the registrar required to make the same bill of sale by which the ship is transferred, the certificate of sale and the certificate of registry of such ship :
- (8). Such last-mentioned registrar shall retain the certificates of sale and registry, and after having indorsed on both of such instruments an entry of the fact of a sale having taken place, shall forward the said certificates to the registrar of the port appearing on such certificates to be the former port of registry of the ship, and such last-mentioned registrar shall thereupon make a memorandum of the sale in his register book, and the registry of the ship in such book shall be considered as closed, except as far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein :
- (9). On such registry anew, the description of the ship contained in her original certificate of registry may be transferred to the new register book, without her being re-surveyed, and the declaration to be made by the purchaser shall be the same as would be required to be made by an ordinary transferee.
- (10). If the ship is sold to a party not qualified to be the owner of a British ship, the bill of sale by which the ship is transferred, the certificate of sale, and the certificate of registry shall be produced to some registrar or consular officer, who shall retain the certificates of sale and registry, and, having indorsed thereon the fact of such ship having been sold to persons not qualified to be owners of British ships, shall forward such certificates to the registrar of the port appearing on the certificate of registry to be the port of registry of such ship ; and such last-mentioned registrar shall thereupon make a memorandum of the sale in his register book, and the registry of the ship in such book shall be considered as closed, except so far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein :
- (11). If upon a sale being made to an unqualified person default is made in the production of such certificates as are mentioned in the last rule, such unqualified person shall be considered by British law as having acquired no title to or interest in the ship ; and further, the party upon whose application such certificate was granted, and the persons exercising the power, shall each incur a penalty not exceeding 100*l.* :
- (12). If no sale is made in conformity with the certificate of sale, such certificate shall be delivered to the registrar by whom the same was granted ; and such registrar shall thereupon cancel it, and enter the fact of such cancellation in the register book ; and every certificate so cancelled shall be void to all intents.

82. Upon proof at any time to the satisfaction of the Commissioners of Customs that any certificate of mortgage or sale is lost, or so obliterated as to be useless, and that the powers thereby given have never been exercised, or if they have been exercised, then upon proof of the several matters and things that have been done thereunder, it shall be lawful for the registrar, with the sanction of the said commissioners, as circumstances may require, either to issue a new certificate, or to direct such entries to be made in the register book, or such other matter or thing to be done, as might have been made or done if no such loss or obliteration had taken place.

83. The registered owner for the time being of any ship or share therein in respect of which a certificate of mortgage or sale has been granted, specifying the place or places where the power thereby given is to be exercised, may, by an instrument under his hand made in the Form O. in the schedule hereto,

or as near thereto as circumstances permit, authorise the registrar by whom such certificate was granted to give notice to the registrar or consular officer, registrars or consular officers, at such place or places, that such certificate is revoked ; and notice shall be given accordingly ; and all registrars or consular officers receiving such notice shall record the same, and shall exhibit the same to all persons who may apply to them for the purpose of effecting or obtaining a mortgage or transfer under the said certificate or mortgage of sale ; and after such notice has been so recorded, the said certificate shall, so far as concerns any mortgage or sale to be thereafter made at such place, be deemed to be revoked and of no effect ; and every registrar or consular officer recording any such notice shall thereupon state to the registrar by whom the certificate was granted, whether any previous exercise of the power to which such certificate refers has taken place.

#### *Registry, Miscellaneous.*

92. Every person may, upon payment of a fee to be fixed by the Commissioners of Customs not exceeding 1*s.*, have access to the register book for the purpose of inspection at any reasonable time during the hours of official attendance of the registrar.

99. If any person interested in any ship or any share therein is, by reason of infancy, lunacy, or other inability, incapable of making any declaration or doing anything required or permitted by this act to be made or done by such incapable person in respect of registry, then the guardian or committee, if any, of such incapable person, or, if there be none, any person appointed by any court or judge possessing jurisdiction in respect of the property of incapable persons, upon the petition of any person on behalf of such incapable person, or of any other person interested in the making such declaration or doing such thing, may make such declaration, or a declaration as nearly corresponding thereto as circumstances permit, and do such thing in the name and on behalf of such incapable person ; and all acts done by such substitute shall be as effectual as if done by the person for whom he is substituted.

100. Whenever any person is beneficially interested, otherwise than by way of mortgage, in any ship or share therein registered in the name of some other person as owner, the person so interested shall, as well as the registered owner, be subject to all pecuniary penalties imposed by this or by any other act on owners of ships or shares therein, so nevertheless that proceedings may be taken for the enforcement of any such pecuniary penalties against both or either of the aforesaid parties, with or without joining the other of them.

#### *National Character.*

105. If any colours usually worn by her Majesty's ships, or any colours resembling those of her Majesty, or any distinctive national colours, except the red ensign usually worn by merchant ships, or except the Union Jack with a white border, or if the pendant usually carried by her Majesty's ships or any pendant in anywise resembling such pendant, are or is hoisted on board any ship or boat belonging to any subject of her Majesty without warrant for so doing from her Majesty or from the Admiralty, the master of such ship or boat, or the owner thereof, if on board the same, and every other person hoisting or joining or assisting in hoisting the same, shall for every such offence incur a penalty not exceeding 500*l.* ; and it shall be lawful for any officer on full pay in the military or naval service of her Majesty, or any British officer of the customs, or any British consular officer, to board any such ship or boat, and to take away any such jack, colours, or pendant ; and such jack, colours, or pendant shall be forfeited to her Majesty.

106. Whenever it is declared by this act that a ship belonging to any person or body corporate qualified according to this act to be owners of British ships shall not be recognised as a British ship, such ship shall not be entitled to any benefits, privileges, advantages, or protection usually enjoyed by British ships, and shall not be entitled to use the British flag or assume the British national character ; but, so far as regards the payment of dues, the liability to pains and penalties, and the punishment of offences committed on board such ship, or by any person belonging to her, such ship shall be dealt with in the same manner in all respects as if she were a recognised British ship.

#### *Evidence.*

107. Every register of or declaration made in pursuance of the second part of this act in respect of any British ship may be proved in any court of justice, or before any person having

by law or by consent of parties authority to receive evidence, either by the production of the original or by an examined copy thereof, or by a copy thereof purporting to be certified under the hand of the registrar or other person having the charge of the original; which certified copies he is hereby required to furnish to any person applying at a reasonable time for the same, upon payment of 1s. for each such certified copy; and every such register or copy of a register, and also every certificate of registry of any British ship, purporting to be signed by the registrar or other proper officer, shall be received in evidence in any court of justice, or before any person having by law or by consent of parties authority to receive evidence as *prima facie* proof of all the matters contained or recited in such register when the register or such copy is produced, and of all the matters contained in or indorsed on such certificate of registry, and purporting to be authenticated by the signature of a registrar, when such certificate is produced.

### PART III.

#### MASTERS AND SEAMEN.

##### *Protection of Seamen from Imposition.*

233. No wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court: and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of such wages, or of any attachment, incumbrance, or arrestment thereon; and no assignment or sale of such wages or of salvage made prior to the accruing thereof shall bind the party making the same; and no power of attorney or authority for the receipt of any such wages or salvage shall be irrevocable.

234. No debt exceeding in amount 5s., incurred by any seaman after he has engaged to serve, shall be recoverable until the service agreed for is concluded.

##### *Discipline.*

258. Any person who secretes himself and goes to sea in any ship without the consent of either the owner, consignee, or master, or of a mate, or of any person in charge of such ship, or of any other person entitled to give such consent, shall incur a penalty not exceeding 20l., or be liable to imprisonment, with or without hard labour, for any period not exceeding four weeks.

### PART IX.

#### LIABILITY OF SHIPOWNERS.

502. The ninth part of this act shall apply to the whole of her Majesty's dominions.

##### *Limitation of Liability.*

503. No owner of any sea-going ship or share therein shall be liable to make good any loss or damage that may happen without his actual fault or privity of or to any of the following things; that is to say,

- (1). Of or to any goods, merchandise, or other things whatsoever taken in or put on board any such ship, by reason of any fire happening on board such ship;
- (2). Of or to any gold, silver, diamonds, watches, jewels, or precious stones taken in or put on board any such ship, by reason of any robbery, embezzlement, making away with or secreting thereof, unless the owner or shipper thereof has, at the time of shipping the same, inserted in his bills of lading, or otherwise declared in writing to the master or owner of such ship, the true nature and value of such articles;

to any extent whatever.

504. No owner of any sea-going ship or share therein shall, in cases where all or any of the following events occur without his actual fault or privity; that is to say,

- (1). Where any loss of life or personal injury is caused to any person being carried in such ship;
- (2). Where any damage or loss is caused to any goods, merchandise, or other things whatsoever on board any such ship;
- (3). Where any loss of life or personal injury is, by reason of the improper navigation of such sea-going ship as aforesaid, caused to any person carried in any other ship or boat;
- (4). Where any loss or damage is, by reason of any such improper navigation of such sea-going ship as aforesaid, caused to any other ship or boat, or to any goods, merchandise, or other things whatsoever on board any other ship or boat;

be answerable in damages to an extent beyond the value of his

ship and the freight due or to grow due in respect of such ship during the voyage which at the time of the happening of any such events as aforesaid is in prosecution or contracted for, subject to the following proviso; that is to say, that in no case, where any such liability as aforesaid is incurred in respect of loss of life or personal injury to any passenger, shall the value of any such ship and the freight thereof be taken to be less than 15l. per registered ton.

505. For the purposes of the ninth part of this act, the freight shall be deemed to include the value of the carriage of any goods or merchandise belonging to the owners of the ship, passage money, and also the hire due or to grow due under or by virtue of any contract, except only such hire, in the case of a ship hired for time, as may not begin to be earned until the expiration of six months after such loss or damage.

506. The owner of every sea-going ship or share therein shall be liable in respect of every such loss of life, personal injury, loss of or damage to goods as aforesaid, arising on distinct occasions, to the same extent as if no other loss, injury, or damage had arisen.

##### *Mode of Procedure.*

507. Whenever any such liability as aforesaid has been or is alleged to have been incurred in respect of loss of life or personal injury, the Board of Trade may, in its discretion, after giving not less than three days' notice, by post or otherwise, to the party to be made defendant or defender, by warrant sealed with the seal of such board or signed by one of its secretaries or assistant secretaries, require the sheriff having jurisdiction over any place in the United Kingdom to summon a jury, at a time and place to be specified in such warrant, for the purpose of determining the following question; that is to say,

The number, names, and descriptions of all persons killed or injured by reason of any wrongful act, neglect, or default;

and upon the receipt of such warrant the sheriff shall summon a jury of twenty-four indifferent persons, duly qualified to act as common jurymen in the superior courts, to meet at such time and place as aforesaid.

508. If either party to the inquiry desire any such question as aforesaid to be tried before a special jury, such question shall be so tried, provided that notice of such desire, if coming from the other party, is given to the Board of Trade before it has issued its warrant to the sheriff; and for that purpose the Board of Trade shall, by its warrant to the sheriff, require him to nominate a special jury for such trial; and thereupon the sheriff shall, as soon as conveniently may be after the receipt by him of such warrant, summon both the parties to appear before him, by themselves or their attorneys or agents, at some convenient time and place appointed by him, for the purpose of nominating a special jury; and at the place and time so appointed the sheriff shall proceed to nominate and strike a special jury in the manner in which such juries are required by the laws for the time being in force to be nominated or struck by the proper officers of the superior courts; and the sheriff shall appoint a day, and shall on the day so appointed proceed to reduce the said special jury to the number of twenty, in the manner used and accustomed by the proper officers of the superior courts.

509. The following provisions shall be applicable to the conduct of proceedings by the Board of Trade; that is to say,

- (1). The sheriff shall preside at such inquiry, and the Board of Trade shall be deemed in England and Ireland to be the plaintiff, and in Scotland the pursuer, both of which terms are hereinafter included in the term "plaintiff," with power to appoint any agent to act on its behalf, and shall have all such rights and privileges as the plaintiff is entitled to in actions at law; and the owner or owners of the ship or ships by whom such liability as last aforesaid is alleged to have been incurred shall be deemed in England and Ireland to be the defendant, and in Scotland the defender, both of which terms are hereinafter included in the term "defendant:"
- (2). Not less than ten days' notice of the time and place of the inquiry shall be served by the Board of Trade on the defendant;
- (3). Service on the master of any ship shall be deemed good service on the owner thereof, and the master shall, in respect of the proceedings on such inquiry, be deemed the agent and representative of the owner, with power to appear for him on such inquiry, and to do all matters and things which he might himself have done;

- (4). If the defendant does not appear at the time of such inquiry, the same shall be proceeded with as if he had appeared, upon due proof of service of notice having been made on him in pursuance of this act :
- (5). The impannelling of the jury and the summoning and attendance of witnesses shall be conducted and enforced in England and Ireland in manner provided by the Lands Clauses Consolidation Act, 1845, in cases of disputed compensation as to land, and in Scotland in manner provided by the Lands Clauses Consolidation (Scotland) Act, 1845, in like cases, or as near thereto as circumstances permit; and all provisions in the said acts having reference to cases where any question of disputed compensation requires to be determined by the verdict of a jury shall, with the requisite alterations, be considered as incorporated with this act, and to have reference to cases where the question of the liability of any owner in respect of any such accident as aforesaid requires to be determined by the verdict of a jury :
- (6). In England and Ireland the sheriff shall, if the Board of Trade so requires, or if the defendant so requires, and the Board of Trade consents thereto, appoint as assessor a barrister-at-law of competent knowledge and standing :
- (7). The costs incurred by all parties in and incidental to any such inquiry as aforesaid shall in England and Ireland be taxed by the Master of one of her Majesty's superior courts of common law as between attorney and client, and in Scotland by the auditor of the Court of Session as between agent and client; and shall, if the verdict in any inquiry is in favour of the plaintiff, be paid by the defendant; but if such verdict is in favour of the defendant, be paid by the Board of Trade out of the Mercantile Marine Fund :
- (8). The payment of all damages and costs in any such inquiry as aforesaid shall, upon application made to such superior court as aforesaid by the party entitled thereto, be enforced by rule or order of such court or a judge thereof, or otherwise as such court or judge thinks fit :
- (9). The Board of Trade may make any compromise it thinks fit as to the damages payable in respect of personal injury, or of the death of any person; and any damages received in pursuance of such compromise shall, so far as the same extend, be applied in the same manner and be subject to the same rules as if the same were damages recovered on an inquiry instituted by the Board of Trade.

510. The following rules shall be observed as to the damages recovered in any such inquiry, and the application thereof; that is to say,

- (1). The damages payable in each case of death or injury shall be assessed at 30%.
- (2). The damages found due on any such inquiry as aforesaid shall be the first charge on the aggregate amount for which the owner is liable, and shall be paid thereout in priority to all other claims :
- (3). All such damages as aforesaid shall be paid to her Majesty's Paymaster-General, and shall be distributed and dealt with by him in such manner as the Board of Trade directs; and in directing such distribution the Board of Trade shall have power in the first place to deduct and retain any costs incidental thereto; and in the next place, as regards the sums paid in respect of injuries, shall direct payment to each person injured of such compensation, not exceeding in any case the statutory amount, as the said board thinks fit; and, as regards the sums paid in respect of deaths, shall direct payment thereof for the benefit of the husband, wife, parent, and child of the deceased, or any of them, in such shares, upon such evidence, and in such manner as the said board thinks fit :
- (4). The Board of Trade shall refund to the owner any surplus remaining under its control after making such distribution as aforesaid, and the sum so refunded shall form part of the residue hereinafter mentioned :
- (5). The Board of Trade shall not, nor shall any person acting under it, be liable to any action, suit, account, claim, or demand whatsoever for or in respect of any act or matter done, or omitted to be done, in the distribution of such damages as aforesaid :
- (6). If the amount paid to her Majesty's Paymaster-General in manner aforesaid is insufficient to meet the demands

upon it, the several claims thereon shall abate proportionally.

511. After the completion of such inquiry as aforesaid, if any person injured estimates the damages payable in respect of such injury, or if the executor or administrator of any deceased person estimates the damages payable in respect of his death, at a greater sum than such statutory amount, or, in case of a compromise having been made by the Board of Trade, than the amount accepted by such board by way of compensation for such injury or death as aforesaid, the person so estimating the same shall, upon repaying or obtaining the repayment by the Board of Trade to the owner of the amount paid by him to the Board of Trade in respect of such injury or death, be at liberty to bring an action for the recovery of damages in the same manner as if no power of instituting an inquiry had hereinbefore been given to the Board of Trade, subject to the following proviso; that is to say, that any damages recoverable by such person shall be payable only out of the residue, if any, of the aggregate amount for which the owner is liable, after deducting all sums paid to her Majesty's Paymaster-General in manner aforesaid; and if the damages recovered in such action do not exceed double the statutory amount, such person shall pay to the defendant in such action all the costs thereof, such costs to be taxed in England and Ireland as between attorney and client, and in Scotland as between agent and client.

512. In cases where loss of life or personal injury has occurred by any accident in respect of which the owner of any such ship as aforesaid is or is alleged to be liable in damages, no person shall be entitled to bring any action, or institute any suit or other legal proceeding in the United Kingdom, until the completion of the inquiry (if any) instituted by the Board of Trade, or until the Board of Trade has refused to institute the same; and the Board of Trade shall, for the purpose of entitling any person to bring an action or institute a suit or other legal proceeding, be deemed to have refused to institute such inquiry whenever notice has been served on it by any person of his desire to bring such action or institute such suit or other legal proceeding, and no inquiry is instituted by the Board of Trade in respect of the subject-matter of such intended action, suit, or proceeding for the space of one month after the service of such notice.

513. Whenever the Board of Trade, having refused in manner aforesaid to institute any inquiry, afterwards determines to institute the same, the damages and costs (if any) recovered on such inquiry shall be payable rateably with, and not in priority to, the costs and damages recovered in any other action, suit, or legal proceeding.

514. In cases where any liability has been or is alleged to have been incurred by any owner in respect of loss of life, personal injury, or loss of or damage to ships, boats, or goods, and several claims are made or apprehended in respect of such liability, then, subject to the right hereinbefore given to the Board of Trade of recovering damages in the United Kingdom in respect of loss of life or personal injury, it shall be lawful in England or Ireland for the High Court of Chancery, and in Scotland for the Court of Session, and in any British possession for any competent Court to entertain proceedings at the suit of any owner for the purpose of determining the amount of such liability subject as aforesaid, and for the distribution of such amount rateably amongst the several claimants, with power for any such Court to stop all actions and suits pending in any other court in relation to the same subject-matter; and any proceeding entertained by such Court of Chancery or Court of Session, or other competent Court, may be conducted in such manner, and subject to such regulations as to making any persons interested parties to the same, and as to the exclusion of any claimants who do not come in within a certain time, and as to requiring security from the owner, and as to payment of costs, as the Court thinks just.

515. All sums of money paid for or on account of any loss or damage in respect whereof the liability of the owner of any ship is limited by the ninth part of this act, and all costs incurred in relation thereto, may be brought into account among part owners of the same ship in the same manner as money disbursed for the use thereof.

#### *Saving Clause.*

516. Nothing in the ninth part of this act contained shall be construed—

To lessen or take away any liability to which any master or seaman, being also owner or part owner of the ship to

which he belongs, is subject in his capacity of master or seaman; or  
To extend to any British ship not being a recognised British ship within the meaning of this act.  
(To be continued).

### London Gazettes.

FRIDAY, OCTOBER 13.

#### BANKRUPTS.

**JAMES WARD**, Jermyn-street, St. James's, Westminster, Middlesex, licensed victualler and tavern keeper, dealer and chapman, Oct. 24 at 1, and Nov. 25 at 2, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Hine, Charterhouse-square.—Petition dated Oct. 10.

**WILLIAM HENRY BARTLEMAN HAWES**, Strand, Middlesex, chemist and druggist, Oct. 24 at 12, and Nov. 25 at half-past 1; Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Sawbridge, 126, Wood-street, City.—Petition dated Oct. 10.

**JOHN HEWITT**, Leamington Priors, Warwickshire, brick maker, Oct. 27 and Nov. 16 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Overell, Leamington Priors; Mottram & Knight, Birmingham.—Petition dated Oct. 6.

**JAMES CORBETT**, Stourbridge, Worcestershire, saddler and victualler, Oct. 25 and Nov. 20 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Prescott, Stourbridge; Mottram & Knight, Birmingham.—Petition dated Oct. 11.

**JAMES DYSON**, Huddersfield, Yorkshire, draper and milliner, Oct. 27 and Nov. 24 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Sale & Co., Manchester; J. & H. Richardson & Gaunt, Leeds.—Petition dated July 6.

**THOMAS HOUGHTON**, Collyhurst, Manchester, ironmonger, dealer and chapman, Oct. 25 and Nov. 17 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Herniman; Sol. Lamb, Manchester.—Petition filed Oct. 10.

**ROBERT SHEPPARD**, Glossop, Derbyshire, grocer and farmer, dealer and chapman, Oct. 27 and Nov. 17 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Herniman; Sols. Hall & Janion, Manchester.—Petition filed Oct. 3.

**RICHARD BURCH**, Heywood, Lancashire, bobbin maker, grocer, dealer and chapman, Oct. 26 and Nov. 16 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Herniman; Sols. T., A., & J. Grundy, Manchester.—Petition filed Oct. 9.

#### MEETINGS.

*Edward Brattan*, Northwich, Cheshire, upholsterer, Oct. 25 at 11, District Court of Bankruptcy, Liverpool, ch. ass.—*T. Deane*, Blackburn, Lancashire, draper, Oct. 27 at 11, District Court of Bankruptcy, Manchester, last ex.—*James Sherman*, Brentwood, Essex, grocer, Oct. 24 at 11, Court of Bankruptcy, London, aud. ac.—*George Tennant*, Market-street, Westminster, Middlesex, licensed victualler, Oct. 24 at 11, Court of Bankruptcy, London, aud. ac.—*James Thomas Shayler*, St. John-street-road, Clerkenwell, Middlesex, furrier, and Little Saffron-hill, St. Andrew, Holborn, Middlesex, skin dyer, Oct. 24 at 11, Court of Bankruptcy, London, aud. ac.—*Peter Perring Thoms*, Warwick-square, Newgate-street, London, printer, Oct. 24 at 11, Court of Bankruptcy, London, aud. ac.—*J. Rodway*, Gloucester, victualler, Oct. 26 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*James Wild*, Hurst, near Ashton-under-Lyne, Lancashire, cotton spinner, Nov. 9 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Nov. 16 at 12, div.—*Hugh Barclay*, Liverpool, commission agent, Oct. 25 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Wm. Atherton*, Liverpool, merchant, Oct. 25 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*James Stark Skipper*, Liverpool, corn merchant, Oct. 25 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; Nov. 6 at 11, div.—*Wm. Fletcher Corbett*, Worcester, linen-draper, Nov. 17 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac.; Nov. 18 at half-past 10, div.—*William Armstrong* and *William Oldroyd Hankey*, Shrewsbury, Shropshire, drapers, Nov. 17 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac.; Nov. 18 at half-past 10, div.—*John Dallow*, Wolverhampton, Staffordshire,

cooper, Nov. 2 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac.—*Wm. Banfield*, Wolverhampton, Staffordshire, hop merchant, Nov. 10 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac.; Nov. 17 at half-past 10, div.—*Abraham Moses Marbe*, Birmingham, manufacturing chemist, Nov. 17 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac.; Nov. 18 at half-past 10, div.—*Wm. Forbes*, Birmingham, stationer, Nov. 10 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac.; Nov. 11 at half-past 10, div.—*Richard Gribbell* and *Richard Luscombe*, Tavistock, Devonshire, wholesale grocers, Nov. 14 at 1, District Court of Bankruptcy, Exeter, aud. ac., and Nov. 16 at 1, div., sep. est. of *R. Gribbell*.—*T. Milward*, Uffculme, Devonshire, and Gower-st., Middlesex, miller, Nov. 2 at 1, District Court of Bankruptcy, Exeter, aud. ac.; Nov. 14 at 1, div.—*G. K. Kent*, Taunton, Somersetshire, plumber, Oct. 24 at 1, District Court of Bankruptcy, Exeter, aud. ac.; Nov. 14 at 1, div.—*Joseph Carne* the elder, Truro, Cornwall, provision merchant, Nov. 2 at 1, District Court of Bankruptcy, Exeter, aud. ac.; Nov. 14 at 1, fin. div.—*Francis Blamey*, Croftthandy, Gwennap, Cornwall, grocer, Nov. 2 at 1, District Court of Bankruptcy, Exeter, aud. ac.; Nov. 14 at 1, div.—*James Macintyre*, Taunton, Somersetshire, nurseryman, Oct. 24 at 1, District Court of Bankruptcy, Exeter, aud. ac.; Nov. 14 at 1, div.—*Wm. Mudge*, Paington, Devonshire, fly proprietor, Nov. 14 at 1, District Court of Bankruptcy, Exeter, aud. ac.; Nov. 16 at 1, div.—*John W. Wainwright*, Bridgewater, Somersetshire, builder, Nov. 2 at 1, District Court of Bankruptcy, Exeter, aud. ac.—*J. P. Shapcott*, Preston Plucknett, Somersetshire, wool dealer, Nov. 2 at 1, District Court of Bankruptcy, Exeter, aud. ac.—*James Palmer*, Bristow, Devonshire, maltster, Nov. 2 at 1, District Court of Bankruptcy, Exeter, aud. ac.; Nov. 9 at 1, div.—*Wm. Wakley*, Langport, Somersetshire, ironmonger, Nov. 2 at 1, District Court of Bankruptcy, Exeter, aud. ac.; Nov. 9 at 1, div.—*John Scott*, Welbeck-street, Cavendish-square, Middlesex, upholsterer's warehouseman, Nov. 7 at half-past 12, Court of Bankruptcy, London, div.—*John N. Smith*, Jewry-street, Aldgate, London, provision merchant, Nov. 7 at half-past 11, Court of Bankruptcy, London, div.—*W. Culler* the younger, Ryde, Isle of Wight, carpenter, Nov. 7 at 12, Court of Bankruptcy, London, div.—*David French* and *Archibald Sands*, Coal Exchange, London, and Chatham, Kent, coal factors, Nov. 4 at half-past 1, Court of Bankruptcy, London, div.—*E. T. Roe*, Brighton-place, Brixton-road, Surrey, oilman, Nov. 4 at 1, Court of Bankruptcy, London, div.—*Henry Pearse*, Welwyn, Hertfordshire, and Finsbury-place South, London, merchant, Nov. 4 at half-past 12, Court of Bankruptcy, London, div.—*D. M. Maitland*, Finchley, Middlesex, wine merchant, Nov. 4 at 12, Court of Bankruptcy, London, div.—*W. Dolton*, Sutton St. Mary, Lincolnshire, common brewer, Nov. 7 at 10, District Court of Bankruptcy, Nottingham, aud. ac. and div.—*J. Cooper*, Liverpool, and Birkenhead, Cheshire, ironmonger, Nov. 3 at 11, District Court of Bankruptcy, Liverpool, div.—*Thomas B. King*, York, manufacturer of paper hangings, Nov. 3 at 11, District Court of Bankruptcy, Leeds, div.—*Joseph Yewdall*, Snape, Yorkshire, currier, Nov. 3 at 11, District Court of Bankruptcy, Leeds, div.—*Thos. Arison*, Leeds, Yorkshire, stone merchant, Nov. 3 at 11, District Court of Bankruptcy, Leeds, div.—*Thomas Staniforth*, Sheffield, Yorkshire, joiner, Nov. 4 at 12, District Court of Bankruptcy, Sheffield, div.—*George F. Bloxam*, Lukesland-grove, near Ivy-bridge, Devonshire, horse dealer, Nov. 9 at 1, District Court of Bankruptcy, Exeter, div.—*George Hobson*, Leeds, Yorkshire, grocer, Nov. 3 at 11, District Court of Bankruptcy, Leeds, div.

#### CERTIFICATES.

To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.

*Christian Drake*, Garlick-hill, London, drysalter, Nov. 4 at 11, Court of Bankruptcy, London.—*E. A. Weeks* and *A. W. G. Weeks*, King's-road, Chelsea, Middlesex, horticultural builders, Nov. 7 at 12, Court of Bankruptcy, London.—*S. S. Hitchcock*, Boxford, Suffolk, maltster, Nov. 6 at 11, Court of Bankruptcy, London.—*Henry Hill*, High-street, Hampstead, Middlesex, builder, Nov. 4 at 1, Court of Bankruptcy, London.—*Frederick Smith*, Standon Mill, Standon, near Ware, Hertfordshire, miller, Nov. 4 at 1, Court of Bankruptcy, London.—*G. B. Medley*, Highbury-park, North Islington, Middlesex, and Great Tower-street, London, underwriter, Nov. 4 at half-past 11, Court of Bankruptcy, London.—*M. Loper*,

Fenchurch-street, London, and Oxford, cigar merchant, Nov. 4 at half-past 12, Court of Bankruptcy, London.—*C. F. Kreimborg*, Langley-place, Commercial-road East, Middlesex, cheesemonger, Nov. 4 at 11, Court of Bankruptcy, London.—*W. W. Arliss*, Plymouth, Devonshire, ale merchant, Nov. 3 at 2, Court of Bankruptcy, London.—*W. Astins*, Joiners'-hall-buildings, Upper Thames-street, London, and Upper Fountain-place, City-road, Middlesex, machine printer, Nov. 3 at half-past 12, Court of Bankruptcy, London.—*J. Webb*, Rayleigh, Essex, grocer, Nov. 3 at 12, Court of Bankruptcy, London.—*Thomas Stenhouse*, Friday-street, Cheapside, London, warehouseman, Nov. 3 at 11, Court of Bankruptcy, London.—*Wm. Pinnock*, St. James-terrace, Harrow-road, Middlesex, flour factor, Nov. 4 at 12, Court of Bankruptcy, London.—*Caleb Pizzie*, Noble-street, London, and Haverhill, Suffolk, carpet manufacturer, Nov. 4 at half-past 11, Court of Bankruptcy, London.—*Henry J. Ashley*, Newbury, Berkshire, artificial manure merchant, Nov. 6 at 2, Court of Bankruptcy, London.—*F. Wildbore*, Wisbeach, Cambridgeshire, hotel keeper, Nov. 6 at 1, Court of Bankruptcy, London.—*Thomas Gadd*, Chichester, Sussex, grocer, Nov. 6 at 1, Court of Bankruptcy, London.—*George Howes*, Mortimer-road, King'sland, Middlesex, licensed victualler, Nov. 6 at 12, Court of Bankruptcy, London.—*Charles Staples and John Collyer*, Southampton, ship plumbers, Nov. 6 at half-past 11, Court of Bankruptcy, London.—*John Sayer*, Sheffield, Yorkshire, draper, Nov. 4 at 12, District Court of Bankruptcy, Sheffield.

To be granted, unless an Appeal be duly entered.

*George W. Merington*, Edgeware-road, Middlesex, draper.—*Sir Evan Mackenzie, Bart.*, *Robert Cameron*, and *James H. Boyle*, St. Helen's-place, Bishopsgate-street, London, merchants.—*George F. Bloxam*, Lukesland-grove, near Ivy-bridge, Devonshire, horse dealer.—*John Courtis*, Bernalstone, Devonshire, grocer.—*James Palmer*, Bristow, Devonshire, maltster.—*James P. Shapcott*, Preston Plucknett, Somersetshire, wool dealer.—*Henry Rubbra*, Dudley, Worcestershire, grocer.—*Thomas Archer and Samuel Archer*, Burslem, Staffordshire, tailors.—*Thomas Burton*, Hagley, Worcestershire, builder.—*Wm. Burrows*, Leicester, tailor.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Marks Levy*, Birmingham, dealer in jewellery, Nov. 11 at 10, County Court of Warwickshire, at Birmingham.—*Thomas Parker*, Birmingham, dealer in milk, Nov. 11 at 10, County Court of Warwickshire, at Birmingham.—*W. Isaac*, Swansea, Glamorganshire, beer-house keeper, Oct. 17 at 10, County Court of Glamorganshire, at Swansea.—*Elias Phillips*, Swansea, Glamorganshire, beer-house keeper, Oct. 17 at 10, County Court of Glamorganshire, at Swansea.—*J. Thomas*, Swansea, Glamorganshire, tailor, Oct. 17 at 10, County Court of Glamorganshire, at Swansea.—*Christopher Joseph Knapping*, Holborn-hill, London, out of business, Nov. 8 at 12, County Court of Essex, at Rochford.—*Wm. Morgan*, Borden, Kent, farmer, Oct. 20 at 12, County Court of Kent, at Faversham.—*Wm. Jones*, Wolverhampton, Staffordshire, dealer in provisions, Oct. 24 at 9, County Court of Staffordshire, at Wolverhampton.—*Charles Folley*, Wolverhampton, Staffordshire, tailor, Oct. 24 at 9, County Court of Staffordshire, at Wolverhampton.—*John Hartley*, Colne, Lancashire, joiner, Nov. 1 at 11, County Court of Lancashire, at Colne.—*John Daly*, Manchester, provision dealer, Oct. 30 at 12, County Court of Lancashire, at Manchester.—*John Capper*, Manchester, grocer, Oct. 30 at 12, County Court of Lancashire, at Manchester.—*John H. Lowndes*, Manchester, agent, Oct. 30 at 12, County Court of Lancashire, at Manchester.—*Mary Tickle*, widow, Manchester, Oct. 30 at 12, County Court of Lancashire, at Manchester.—*Mary Ann Wadsworth*, Manchester, provision dealer, Oct. 30 at 12, County Court of Lancashire, at Manchester.—*George Somersfield*, Othely, Somersetshire, blacksmith, Oct. 23 at half-past 9, County Court of Somersetshire, at Bridgewater.—*John J. Newton*, Bridgewater, Somersetshire, schoolmaster, Oct. 23 at half-past 9, County Court of Somersetshire, at Bridgewater.—*John M. Baker*, Halifax, Yorkshire, cordial manufacturer, Oct. 20 at 10, County Court of Yorkshire, at Halifax.—*Wm. Dunn*, Halifax, Yorkshire, greengrocer, Oct. 20 at 10, County Court of Yorkshire, at Halifax.—*David Eames*, Dunstable, Bedfordshire, straw-plait dealer, Oct. 24 at 11, County Court of Bedfordshire, at Luton.

—*Wm. Copleston*, Luton, Bedfordshire, bonnet manufacturer, Oct. 24 at 11, County Court of Bedfordshire, at Luton.—*Wm. Newman*, Luton, Bedfordshire, grocer, Oct. 24 at 11, County Court of Bedfordshire, at Luton.—*Edward Godfrey*, Luton, Bedfordshire, superintendent of the Luton Rural Division of Police, Oct. 24 at 11, County Court of Bedfordshire, at Luton.—*Timothy Jones*, Macclesfield, Prestbury, Cheshire, travelling draper, Oct. 19 at 11, County Court of Cheshire, at Macclesfield.—*James Davenport*, Macclesfield, Prestbury, Cheshire, silk manufacturer, Oct. 19 at 11, County Court of Cheshire, at Macclesfield.—*Daniel G. Goodall*, Macclesfield, Prestbury, Cheshire, out of business, Oct. 19 at 11, County Court of Cheshire, at Macclesfield.—*John Wright*, Doddinghurst, Essex, farmer, Nov. 10 at 11, County Court of Essex, at Brentwood.—*John T. Pattigrove*, West Bromwich, Staffordshire, grinder, Oct. 28 at 9, County Court of Staffordshire, at Oldbury.—*Richard Merris*, Oldbury, Halesowen, Worcestershire, farmer, Oct. 28 at 9, County Court of Staffordshire, at Oldbury.—*Wm. Clay*, Coventry, Warwickshire, painter, Oct. 25 at 10, County Court of Warwickshire, at Coventry.—*Emily Coley*, widow, Norwich, staymaker, Oct. 27 at 10, County Court of Norfolk, at Norwich.—*H. Brown*, Norwich, innkeeper, Oct. 27 at 10, County Court of Norfolk, at Norwich.—*Matthew Ollett*, Mulbarton, Norfolk, carpenter, Oct. 27 at 10, County Court of Norfolk, at Norwich.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

Jan. 3 at 10, before Mr. Commissioner MURPHY.

*George Brooks*, Chapel-yard, Old Ford, Bow, Middlesex, carpenter.—*Charles Palmer*, Upper Seymour-st., St. Pancras, Middlesex, boot maker.—*John Applebee*, Brentwood, Essex, contractor's agent.—*Alexander Edwin Bennett*, Deptford, Kent, carpenter.—*Walter Raymond*, Albion-square, Dalston, Middlesex, master mariner.—*Richard Asker*, Greenwich, Kent, out of business.—*Thomas Tilly*, Old-road, Stepney, Middlesex, out of business.—*John W. Whowall*, King-street, Southwark, Surrey, brass finisher.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Montgomeryshire, at WELCHPOOL, Oct. 26 at 12.

*Thomas Venables*, Upper Brynllowarch, Kerry, farmer.

At the County Court of Lancashire, at LANCASTER, Oct. 27 at 11.

*Samuel Lomas*, Hulme, Manchester, out of employment.—*Samuel Whiteley*, Salford, out of business.—*James Pickup*, Burnley, labourer.—*Jas. Stott*, Rochdale, letter-press printer.—*Matthias Medcalf*, Manchester, brush manufacturer.—*Elizabeth Francis*, widow, Manchester, grocer.—*S. Green*, Manchester, cabinet maker.—*Julius Joseph*, Manchester, dealer in cigars.—*James Stirzaker*, Preston, labourer.—*E. Eaton*, Salford, baker.—*Thomas Oldfield*, Manchester, salt dealer.—*Jas. Birtwistle*, Alden, near Haslingden, out of business.—*Thouston Briggs*, Hulme, Manchester, provision dealer.—*H. Spencer*, Walton-le-Dale, near Preston, licensed victualler.—*Lawrence Harrison*, Nova Scotia, Blackburn, beerseller.—*George Mallinson*, Ashton-under-Lyne, tailor.—*Edmund Marsland*, Fallsword, near Manchester, out of business.—*Jonathan Wright*, Burnley, cotton manufacturer.—*S. Bamott*, Burnley, cotton manufacturer.—*John Shannon*, Manchester, furniture broker.—*Thos. Booth*, Chorlton-upon-Medlock, commercial traveller.—*John Berry*, Heywood, near Bury, out of business.—*Frederick Graham*, Liverpool, cook.—*J. Moss*, Preston, tailor.—*Wm. Bayley*, Salford, earthenware dealer.—*Henry Robson*, Blackburn, coach builder.

At the County Court of Northumberland, at MORPETH, Oct. 27 at 10.

*Henry Taylor*, New Hartley, near Seaton Delaval, plate layer.

At the County Court of Glamorganshire, at CARDIFF, Oct. 27.

*George Noel*, Cardiff, salesman of ship chandlery goods.

At the County Court of Hertfordshire, at HERTFORD, Oct. 30.

*Frederick Bond*, Great Amwell, gentleman.

*At the County Court of Norfolk, at NORWICH, Oct. 27.*  
Francis Jay, Great Yarmouth, baker.

Oct. 28, at the same Place.

Benjamin Springall, Norwich, out of business.

*At the County Court of Warwickshire, at COVENTRY,*  
Oct. 30 at 10.

George Andrews, Aston, baker.—John Woodman, Birmingham, wire worker.

*At the County Court of Sussex, at LEWES, Oct. 31.*

Alfred Vidler the younger, Hastings, painter.—F. Taylor, Brighton, lodging-house keeper.—George Lemmon, Brighton, licensed victualler.—Benjamin Hunt, Brighton, upholsterer.

—Richard Frederick Benkes, Brighton, licensed victualler.

*At the County Court of Hampshire, at WINCHESTER,*  
Oct. 31 at 11.

Frederick Short, Lyndhurst, Southampton, baker.

## TUESDAY, OCTOBER 17.

### BANKRUPTS.

EDWARD WILLIAM PACK, Lawrence-lane, London, and Nelson-square, Blackfriars-road, Surrey, hat and cap manufacturer, Oct. 24 at half-past 11, and Nov. 23 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Miller & Horn, 78, King William-street, City.—Petition filed Oct. 6.

THOMAS HOWARD, Finsbury-wharf, City-road, Middlesex, lime merchant, dealer and chapman, Oct. 26 at half-past 1, and Nov. 23 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Lawrence & Co., Old Jewry-chambers.—Petition filed Oct. 13.

JAMES SURMAN, New Hampton, Middlesex, market gardener and dealer in beer, Oct. 24 and Nov. 23 at 2, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Solomon, 136, Fenchurch-street.—Petition filed Oct. 4.

GEORGE ERASMUS CLAPHAM, Farringdon-street, London, licensed victualler, wine and spirit merchant, dealer and chapman, Oct. 24 at 11, and Nov. 30 at 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Trehern & White, 13, Barge-yard-chambers, Bucklersbury, London.—Petition filed Sept. 22.

OLIVER APPLETON, Leicester, trimmer and dyer, dealer and chapman, Nov. 7 and 28 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Miles & Gregory, Leicester; Hodgson, Birmingham.—Petition dated Oct. 11.

WILLIAM SALMON ROLIN and THOMAS BATELEY ROLIN, King's Lynn, Norfolk, ship builders, builders and shipwrights, Oct. 28 at 12, and Dec. 9 at half-past 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Partridge & Co., King's Lynn, Norfolk; J. & J. H. Linklater, 17, Sise-lane, London.—Petition dated Oct. 4.

JAMES LANGDON BUTTER, Collaton Raleigh and Woodbury Salterton, Devonshire, brick and tile manufacturer, dealer and chapman, Oct. 26 and Nov. 23 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Brutton, Exeter.—Petition filed Oct. 16.

WILLIAM CLARK, Bradford, Yorkshire, tailor, draper, and eating-house keeper, Nov. 7 at 12, and Nov. 28 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Terry & Watson, Bradford; Bond & Barwick, Leeds.—Petition dated Oct. 16.

HENRY WALES, Attercliffe, near Sheffield, Yorkshire, inn-keeper and builder, Oct. 28 and Nov. 25 at 12, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sol. Fernel, Sheffield.—Petition dated Oct. 10, and filed Oct. 11.

### MEETINGS.

J. Milligan, Chorlton-upon-Medlock, Manchester, draper, Nov. 2 at 12, District Court of Bankruptcy, Manchester, last ex.—Kaberry Kettlewell, Leeds, Yorkshire, silversmith, Nov. 8 at 11, District Court of Bankruptcy, Leeds, last ex.—John George Lacy, Great St. Helen's, Bishopgate-street, London, gun manufacturer, Nov. 11 at 12, Court of Bankruptcy, London, div.—Henry Wilson, Old Swindon, Wiltshire, grocer, Nov. 9 at 11, District Court of Bankruptcy, Bristol, and ac.; Nov. 16 at 11, div.—J. Ffooks, Sherborne, Dorsetshire, brewer, Nov. 2 at 1, District Court of Bankruptcy, Exeter, and ac.; Nov. 14 at 1, div.—Isaac Thorniley, Bardsley, near Ashton-under-Lyne, Lancashire, cotton spinner, Nov. 10 at 12, District Court of Bankruptcy, Manchester, and ac.; Nov. 17 at 12, div.—Mackinsey Bowell, Manchester, publican, Nov. 9 at

12, District Court of Bankruptcy, Manchester, and ac.; Nov. 16 at 12, div.—Edmund Whittenbury Robinson, Liverpool, cotton broker, Oct. 27 at 11, District Court of Bankruptcy, Liverpool, and ac.—Joseph Cooper, Liverpool, and Birkenhead, Cheshire, ironmonger, Oct. 27 at 11, District Court of Bankruptcy, Liverpool, and ac.—Henry Wm. Gibb, Liverpool, shipowner, Oct. 27 at 11, District Court of Bankruptcy, Liverpool, and ac.—William Shaw and Henry Shaw, Mold-green, near Huddersfield, Yorkshire, dyers, Nov. 13 at 11, District Court of Bankruptcy, Leeds, and ac.; Nov. 14 at 11, div.—Joseph Fawcett, Snape, Yorkshire, carrier, Oct. 27 at 11, District Court of Bankruptcy, Leeds, and ac.—Thos. Arison, Leeds, Yorkshire, stone merchant, Oct. 27 at 11, District Court of Bankruptcy, Leeds, and ac.—George Hobson, Leeds, Yorkshire, grocer and provision dealer, Oct. 27 at 11, District Court of Bankruptcy, Leeds, and ac.—Thos. Benj. King, York, manufacturer of paper hangings, Oct. 27 at 11, District Court of Bankruptcy, Leeds, and ac.—Thomas Stanforth, Sheffield, Yorkshire, joiner, Nov. 4 at 12, District Court of Bankruptcy, Sheffield, and ac.—R. Clark and J. Inglis, King's-cross, Middlesex, drapers, Nov. 8 at 2, Court of Bankruptcy, London, div.—J. Kingston, Reading, Berkshire, draper, Nov. 8 at 2, Court of Bankruptcy, London, div.—Wm. Nash, Budge-row, London, tea dealer, Nov. 7 at 1, Court of Bankruptcy, London, div.—James Triggs, Wm. Triggs, and Edward Triggs, Southampton, upholsterers, Nov. 7 at half-past 1, Court of Bankruptcy, London, div.—Edward Davies, Harrow-road, Paddington, and Park-terrace, Regent's-park, Middlesex, oilman, Nov. 7 at 2, Court of Bankruptcy, London, div.—Wm. Adam, Great Tower-street, London, merchant, Nov. 7 at half-past 1, Court of Bankruptcy, London, div.—Wm. Astins, Joiners'-hall-buildings, Upper Thames-street, London, and Upper Fountain-place, City-road, Middlesex, machine printer, Nov. 7 at 1, Court of Bankruptcy, London, div.—Wm. Lloyd, York-street, Westminster, Middlesex, licensed victualler, and Great Russell-st., Covent-garden, Middlesex, beer-shop keeper, Nov. 7 at 1, Court of Bankruptcy, London, div.—Wm. Long, Lamb's Conduit-street, Middlesex, baker, Nov. 7 at 12, Court of Bankruptcy, London, div.—S. T. Pount, Addele-street, Wood-street, Cheapside, London, licensed victualler, Nov. 7 at 12, Court of Bankruptcy, London, div.—Charles White, Watford, Hertfordshire, sheep dealer, Nov. 7 at 12, Court of Bankruptcy, London, div.—H. Cottman, Sandgate, Kent, grocer, Nov. 7 at 1, Court of Bankruptcy, London, div.—George F. Rossier, London-wall, London, wholesale clothier, Nov. 7 at 11, Court of Bankruptcy, London, div.—James Merchant, Foulmire, Cambridgeshire, grocer, Nov. 7 at 11, Court of Bankruptcy, London, div.—C. H. May, Edgeware-road, St. Marylebone, Middlesex, jeweller, Nov. 7 at 11, Court of Bankruptcy, London, div.—John M. Bayley, Wheaton Aston, Staffordshire, beerseller, Nov. 1 at 10, District Court of Bankruptcy, Birmingham, and ac.; Nov. 8 at 10, div.—W. Blain, Liverpool, corn merchant, Nov. 8 at 11, District Court of Bankruptcy, Liverpool, div.—Ralph Hutchinson, Monkwearmouth Shore, Durham, shipbuilder, Nov. 9 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.

### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

James Rust, Basinghall-street, London, woollendrapers, Nov. 7 at 11, Court of Bankruptcy, London.—Frederick G. Richardson, Commercial-road, Limehouse, Middlesex, timber merchant, Nov. 8 at half-past 12, Court of Bankruptcy, London.—George Lambourn, Taplow, Buckinghamshire, timber merchant, Nov. 8 at 12, Court of Bankruptcy, London.—Edward Heningham, Caversham, Oxfordshire, and High Wycomb, Buckinghamshire, fellmonger, Nov. 8 at 1, Court of Bankruptcy, London.—William Reade and George Reade, Hibernia-chambers, London-bridge, Southwark, Surrey, provision merchants, Nov. 7 at 12, Court of Bankruptcy, London.—Wm. Graham, Wigton, Cumberland, grocer, Nov. 9 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—John Ffooks, Sherborne, Dorsetshire, brewer, Nov. 23 at 1, District Court of Bankruptcy, Exeter.—Philip Paige, Torquay, Devonshire, lodging-house keeper, Nov. 9 at 1, District Court of Bankruptcy, Exeter.—Henry Davy, Fordton, Crediton, Devonshire, linen manufacturer, Nov. 16 at 1, District Court of Bankruptcy, Exeter.—Wm. Mudge, Paington, Devonshire, fly proprietor, Nov. 16 at 1, District Court of Bankruptcy, Exeter.—J. S. Skipper, Liverpool, corn merchant, Nov. 8 at



11, District Court of Bankruptcy, Liverpool.—*Wm. Jones*, Liverpool, shipwright, Nov. 9 at 11, District Court of Bankruptcy, Liverpool.—*John Dandison*, Huddersfield, Yorkshire, wine merchant, Nov. 20 at 11, District Court of Bankruptcy, Leeds.—*Samuel Stainton*, Birmingham, licensed victualler, Nov. 9 at 10, District Court of Bankruptcy, Birmingham.—*W. A. Vincent*, Wolverhampton, Staffordshire, printer, Nov. 9 at 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*Charles T. Griffiths*, Woodford-bridge, Essex, underwriter.—*J. A. Bell*, Great Baddow, Essex, hop merchant.—*J. Cooper*, Liverpool, and Birkenhead, Cheshire, ironmonger.—*C. Rollinson*, Brierley-hill, Staffordshire, shoe manufacturer.—*J. Adams*, Longton, Staffordshire, china manufacturer.—*W. Armstrong* and *Wm. O. Hankey*, Shrewsbury, Shropshire, drapers.

#### PARTNERSHIP DISSOLVED.

*Frederick Page Keeling*, *Wm. Howard*, and *James Inglis*, Colchester, Essex, attorneys-at-law, solicitors, and conveyancers, (so far as regards the said *Frederick Page Keeling*).

#### SCOTCH SEQUESTRATIONS.

*Robert Kilgour*, Perth, writer.—*Duncan Cameron*, Hamilton, lace manufacturer.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*W. Clark*, Liverpool, schoolmaster, Oct. 23 at 10, County Court of Lancashire, at Liverpool.—*Andrew Jack*, Liverpool, collector of debts, Oct. 23 at 10, County Court of Lancashire, at Liverpool.—*Henry Edmonds*, Truro, Cornwall, shoemaker, Nov. 10 at 11, County Court of Cornwall, at Truro.—*Nancy Wales*, Hunslet, near Leeds, Yorkshire, out of business, Oct. 30 at 10, County Court of Yorkshire, at Leeds.—*Wm. Land*, Wortley, Leeds, Yorkshire, rope spinner, Oct. 30 at 10, County Court of Yorkshire, at Leeds.—*William Phelps*, Highnam, (and not Higham, as before advertised), Gloucestershire, painter, Nov. 9 at 10, County Court of Gloucestershire, at Gloucester.—*Edward Moya*, Tostock, Suffolk, innkeeper, Oct. 28 at 10, County Court of Suffolk, at Stowmarket.—*John Plummer*, Dickleburgh, Norfolk, baker, Oct. 24 at 12, County Court of Norfolk, at Harleston.—*Richard Remington*, Eye, Suffolk, saddler, Oct. 23 at 2, County Court of Suffolk, at Eye.—*William Pullen*, Arundel, Sussex, fishmonger, Oct. 28 at 10, County Court of Sussex, at Arundel.—*Charles Angel*, Chichester, Sussex, bookbinder, Oct. 25 at 11, County Court of Sussex, at Chichester.—*Wm. Meaden* the younger, Felpham, Sussex, retailer of beer, Oct. 25 at 11, County Court of Sussex, at Chichester.—*Frances Hindell*, Brighton, Sussex, dressmaker, Oct. 21 at 10, County Court of Sussex, at Brighton.

*Saturday, Oct. 14.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Richard Overton*, Swaffham, Norfolk, cabinet maker, No. 26,673 C.; *Wm. Jos. Baker*, new assignee; *Wm. Dowson*, late assignee, deceased.—*J. A. Powis*, Dudley, Worcestershire, out of business, No. 78,685 C.; *F. Stokes*, assignee.—*E. Heapy*, Stockport, Cheshire, out of business, No. 78,474 C.; *Joseph Terrell*, assignee.

*Saturday, Oct. 14.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Thomas Ramsden*, Grove-street, Camden-town, Middlesex, paper stainer: in the Debtors Prison for London and Middlesex.—*Frederick Oughton*, Mornington-place, Hampstead-road, Middlesex, out of business: in the Queen's Prison.—*Benjamin Brock Jones*, Alfred-road, Harrow-road, Middlesex, clerk to the South Wales Railway Company: in the Queen's Prison.—*Henry Sommers*, Long Stratton, near Norwich, Norfolk, hotel keeper: in the Debtors Prison for London and Middlesex.—*Robert Clark Skillam*, Waterloo-street, Camberwell, Surrey, agent to a brewer: in the Gaol of Surrey.—*Chas. Pearce*, Southampton-st., Camberwell, Surrey, grocer: in the Gaol of Surrey.—*Wm. Louis Le Plastrier*, Chancery-lane, Middlesex, watch manufacturer: in the Queen's Prison.—*Joseph J. Taylor Quarndby*, Spa-cottages, Lloyd's-row, Clerkenwell, Middlesex, writer: in the Debtors

Prison for London and Middlesex.—*Thos. Caffall*, North-st., Maida-hill, Middlesex, plumber: in the Debtors Prison for London and Middlesex.—*John Deane*, Sidney-st., Mile-end, Middlesex, manufacturer of druggist's sundries: in the Debtors Prison for London and Middlesex.—*Jose Alvarez Santullano*, Warwick-street, Regent-street, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—*William Peacock*, High-st., Shadwell, Middlesex, cheesemonger: in the Debtors Prison for London and Middlesex.—*Charles J. P. Howling*, Cowcross-street, Middlesex, grocer: in the Queen's Prison.—*George Watmough*, Manville-terrace, Maiden-lane, Kentish-town, Middlesex, builder: in the Debtors Prison for London and Middlesex.—*Wm. Sparks*, White Horse-lane, Stepney, Middlesex, builder: in the Debtors Prison for London and Middlesex.—*Thouston Briggs*, Hulme, Manchester, provision dealer: in the Gaol of Lancaster.—*William Lee*, Salford, Lancashire, provision-shop keeper: in the Gaol of Lancaster.—*Jon. Wright*, Burnley, Lancashire, mousselin de laine manufacturer: in the Gaol of Lancaster.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Nov. 1 at 10, before the CHIEF COMMISSIONER.*

*William Hancock*, Quadrant-road, Highbury New Park, Green-lanes, Stoke Newington, Middlesex, builder.—*Hyam L. Fuly*, Beauvoir-terrace, Kingland-road, Kingland, Middlesex, out of employment.—*Samuel Lewinson*, Tewkesbury-buildings, Whitechapel, Middlesex, tailor.—*Thomas Hobson Heigham*, Abdy-street, St. John's, Horselydown, Southwark, Surrey, builder.—*Thomas Wilson*, Eastcheap, London, carpenter.—*Jas. Shirley Hibberd*, Homus-terrace, King's-road, Chelsea, Middlesex, secretary to a building society.

*Nov. 1 at 11, before Mr. Commissioner PHILLIPS.*

*Henry Meeson*, Cecil-street, Strand, Middlesex, printseller.—*George Whittam*, New-street, Vauxhall-street, Upper Kennington-lane, Lambeth, Surrey, out of business.—*W. Woodgate*, William-street, Hampstead-road, Middlesex, carpenter.—*Joseph Bartlett* the elder, York-place, Hackney-road, and Caroline-place, Kingland-road, Middlesex, cowkeeper.—*John Walduck*, New Norfolk-street, Rotherfield-street, Lower-road, Islington, Middlesex, baker.—*Charles Carruthers*, York-road, Lambeth, Surrey, surgeon.—*Wm. Turner*, King-st., Regent-street, Middlesex, licensed victualler.

*Nov. 1 at 10, before Mr. Commissioner MURPHY.*

*Chas. Wright*, William-terrace, South Lambeth New-road, South Lambeth, Surrey, out of business.—*Thomas A. Steer*, King-street, New Gravel-lane, Shadwell, Middlesex, baker.—*J. Wilham*, Grove-terrace, Bedford-road, Clapham, Surrey, out of employment.—*Thos. Johnson*, Skinner-street, Bishopsgate Without, London, house agent.—*Jonathan Bail*, Clipstone-street, Fitzroy-square, Middlesex, cabinet maker.—*Ovid Thompson*, Gough-street North, Gray's-inn-road, Middlesex, paper stainer.—*Walter Collett*, Windsor-place, Old Kent-road, Surrey, cheesemonger.—*Samuel Seaborne*, Upper Berkeley-street, Portland-square, Middlesex, time servant to one of the colleges in the University of Oxford.

*Nov. 2 at 10, before the CHIEF COMMISSIONER.*

*Wm. Henry Guerrier*, Ivy-lane, Newgate-street, London, out of business.—*Edwin Ludlam*, Queen's-row, Walworth, Surrey, out of business.—*Anton Mayer*, King's-row, Pentonville, Middlesex, and Ironmonger-lane, London, commission merchant.—*James Pearce*, Uxbridge, Middlesex, baker.—*A. Croshaw*, Pelham-place, Brompton, Middlesex, builder.—*F. Oughton*, Mornington-place, Hampstead-road, Middlesex, out of business.

*Nov. 2 at 11, before Mr. Commissioner PHILLIPS.*

*Elisha Barnes*, John-street, Back-road, Kingland, Middlesex, baker.—*Chas. Norwood* the younger, Southgate-road West, Hackney, Middlesex, decorator.

*Adjourned Hearings.*

*Nov. 2 at 10, before the CHIEF COMMISSIONER.*

*Archibald Monaf*, Creed-lane, Ludgate-hill, London, wine merchant.—*Chas. John Penney*, Robert's-place, Commercial-road East, Middlesex, manufacturer of varnish.

*Nov. 2 at 11, before Mr. Commissioner PHILLIPS.*

*George Bristow*, Bedfordbury, Covent-garden, Middlesex, builder.

*Nov. 2 at 10, before Mr. Commissioner MURPHY.*

*Wm. Parker* the younger, De Beauvoir-place, Kingland, Middlesex, auctioneer.



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# The Jurist

No. 929—VOL. XVIII. OCTOBER 28, 1854.

PRICE 1s.

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LONDON, OCTOBER 28, 1854.

THE important provisions of the Common-law Procedure Act, 1854, which confer upon the common-law courts the power of obtaining discovery, or that which is in the nature of discovery, hitherto vested in courts of equity alone, are in substance the following:—

In all causes in the superior courts, by order of the court or a judge, the plaintiff may with his declaration, and the defendant with his plea, or either of them by leave may at any other time, deliver to the *opposite party or his attorney* (provided that such party, if not a body corporate, would be liable to be called and examined as a witness upon such matter) *interrogatories in writing upon any matter as to which discovery may be sought*, requiring an answer thereto within ten days, in writing, by affidavit, to be sworn and filed in the ordinary way. The application for the order is to be made on affidavit of the party proposing to interrogate, unless unavoidably prevented, and his attorney or agent, (or in case of a body corporate, of their attorney or agent), stating that the deponents believe that the party will derive *material benefit in the cause* from the discovery which he seeks, that there is a *good cause of action or defence on the merits*, and, if the application be by the *defendant*, that the discovery is not sought for the purpose of *delay*. Omission to answer sufficiently, *without just cause*, is a contempt of court, and may be punished accordingly; or in such case the court or judge may direct an *oral examination* of the interrogated party, as to such points as he may direct, before a judge or master; and by such rule or order (or any subsequent one) the attendance of the party and the production of documents may be ordered. Such rule or order is to have the same effect, and be proceeded upon in like manner, as an order under the 1 Will. 4, c. 22. (Sects. 51—54). The statute of Will. 4, thus in part incorporated with the new act, is intitled "An Act to enable Courts of Law to

order the Examination of Witnesses upon Interrogatories or otherwise," and, so far as is material to the present subject, provides for the examination of witnesses both within and without the jurisdiction of the court, (sect. 4); the compelling the attendance of witnesses who are within the jurisdiction of the court; the production of documents by them, (sect. 5); and the examination of persons in prison, (sect. 6). It also enacts that no deposition taken under the act shall be read in evidence at any trial without the consent of the party against whom the same may be offered, unless it shall appear to the satisfaction of the judge that the deponent is beyond the jurisdiction of the court, or dead, or unable from permanent sickness or infirmity to attend. (Sect. 10). Now, although by sect. 55 of the Procedure Act, 1854, the depositions may be used in the same manner as in the case of depositions taken under the 1 Will. 4, c. 22, yet we apprehend that the above clause is not applicable to the answer of the *party to a cause*, but that such answer may be used against him as an admission, whether he can be called or not; and, indeed, in the same manner as an answer in Chancery could hitherto be given in evidence against him. No difference in this respect seems to arise from the party to the cause now being a competent witness. (See *Whyman v. Garth*, 8 Exch. 803; 17 Jur., part 1, p. 559; 22 L. J., Ex., 316; in which it was held that the attesting witness must still be called, although the party to the cause may himself be examined\*). The answer will be evidence only against the defendant answering, and not against a co-defendant, unless he himself refer to it as correct, or stand in a relation to the other defendant to make it evidence against himself.

It is to be observed that the discovery is to be sought only from the *party himself*, although provision

\* *Quere*, as to the ground there suggested being the true one, viz. that there is a tacit agreement between the parties that he shall be called?

is made by other sections for obtaining in some cases affidavits and the production of documents from third persons. In the case of a corporation, the interrogatories are to be administered to one or more of their officers; but unless this word can be construed to mean "members," the parties who have the peculiar knowledge of the circumstances, and are able to depose to them upon oath, are not examinable under the act. In equity the bill for discovery may be filed against the "members" of the corporation. (*Adams's Doctrine of Equity*, 20).

Before the rules which will be made under the new act are published, it may be useful to offer a few practical suggestions upon this subject. The party sought to be interrogated must be one who is liable to be called and examined as a witness upon the matter. This now comprehends a wide class, excluding only those who are incompetent from defect of religion or understanding, husband and wife in actions for criminal conversation, (16 & 17 Vict. c. 83, s. 2), and parties to an action for breach of promise of marriage. (14 & 15 Vict. c. 99, s. 4). In equity, discovery cannot be enforced against an incompetent defendant, viz. an infant, or lunatic without committee, or the Attorney-General when made a defendant on behalf of the Crown. (*Micklethwaite v. Atkinson*, 1 Coll. 173).

The order for the delivery of the interrogatories should be obtained, it seems, upon summons, and not *ex parte*; and the affidavit upon which it is to be obtained should be made by the party and his attorney; it should be intitled in the court and cause, and should state that an action has been brought, the cause of action, that there is a good cause of action [or defence] upon the merits, and that the deponents believe that the party will derive material benefit in the cause from being allowed to examine the opposite party on certain matters, which should, it seems, be shortly stated. If the application be made on behalf of the defendant, it must be alleged that it is not made for the purpose of delay. It may, perhaps, be required that the interrogatories proposed to be exhibited should be brought before the court or judge at the time of the application, in which case they may be annexed to the affidavit, or made an exhibit; but it was not necessary to do this in applications under the 1 Will. 4, c. 22. It may be safer to state, that the party whom it is sought to examine is liable to be called and examined as a witness upon the matters to which the interrogatories are to be directed.

The preparation of the interrogatories will require great care, so that the real questions which the party is desirous of proposing may be fully and sufficiently answered without evasion or ambiguity. The questions should not be leading ones, or in any way objectionable; otherwise they and their answers, or any part of them, may be struck out at the trial in favour of the party to whom they were proposed, but not of the party proposing them\*. It must not be for-

gotten that both at law and in equity parties are not bound to answer questions which tend to criminate themselves, or in any way expose them to punishment, penalty, or forfeiture; or questions relating to privileged communications between counsel or attorney and client, or between husband and wife, (16 & 17 Vict. c. 83, s. 3); or questions which it is against public policy to answer. A defendant is not bound to answer questions of law or immaterial questions. In these cases, on the affidavit stating the grounds of exemption from answering, "just cause" will be shewn within the meaning of the act. The rule as to self-criminatory evidence is materially modified with respect to *fraud*. The objection to answer in such case is not, it seems, tenable, unless an indictment for conspiracy to defraud is pending, or about to be preferred. (*Dummer v. The Corporation of Chippenham*, 14 Ves. 245). It has also been held that a defendant may have so contracted with the plaintiff as to bind himself to make discovery of the facts relating to that contract, notwithstanding that it may subject him to pecuniary penalties, e. g. a London broker in relation to his employer. (*Mitf.* 195). With respect also to some transactions made illegal by statute, such as gaming and stock-jobbing, it has been expressly enacted that the parties shall be compellable to give discovery in equity, notwithstanding that by so doing they may expose themselves to penalties. (*Mitf.* 288; 9 Ann. c. 14, s. 3; 7 Geo. 2, c. 8, s. 2).

The general heading and conclusion of the interrogatories may be as follows:—

"In the Queen's Bench, [or 'Exchequer of Pleas,' or 'Common Pleas.']

Between { A. B., plaintiff,  
and  
C. D., defendant.

"Interrogatories delivered on behalf of A. B., plaintiff in the said action, to be answered by C. D., defendant in the said action, pursuant to a rule of the said Court, [or if under an order, 'pursuant to an order of —, one of her Majesty's justices of the same court,' or 'one of the barons of her Majesty's Exchequer'], made the — day of —, 1854." *Conclude*—"Take notice, if you omit, without just cause, sufficiently to answer, in writing, by affidavit, the above interrogatories within ten days from the delivery of the same to your attorney in the said action, you will be deemed to have committed a contempt of the said Court, and be liable to be proceeded against accordingly.

"E. F., plaintiff's attorney.

"To C. D., the said defendant."

A general form of interrogatories and of answers thereto is given in the Schedule (C.) to the new Chancery Orders of the 7th August, 1852\*.

The answer should be to all material facts as to which the party is interrogated, and it should be distinct, complete, without needless prolixity, and to the best of the party's information and belief. A party cannot deny a portion of the questions, and then allege that by reason of such denial the rest has become immaterial. The answer should be positive, and not by way of implication or argument; but this rule is not to be enforced so as to be oppressive†.

\* See *Hutchinson v. Bernard* (2 Moo. & R. 1) and *Tyler v. Whitmore*, (12 Ad. & El. 307). Quere, as to applying to strike out a leading question. (*Williams v. Williams*, 4 Man. & S. 497). In equity, in such and similar cases, the depositions should be suppressed on motion. (*Shaw v. Lindsey*, 15 Ves. 381).

\* See Beavan's Chancery Orders, 478; and see a form under the 1 Will. 4, c. 22, in *Tidd's Forms*, 288; and *Chitty's Forms*, 67.

† *Adams's Doctrine of Equity*, 9—12.

### Review.

*The Parish: its Obligations and Powers; its Officers and their Duties; with Illustrations of the Practical Working of this Institution in all Secular Affairs.* By TOULMIN SMITH, Esq., of Lincoln's-inn, Barrister-at-Law. 12mo., pp. 624. [Sweet.]

MR. TOULMIN SMITH'S great practical experience of the subject treated necessarily gives a peculiar value to this book; and besides the author's practical knowledge, his learning on the subject is of the soundest and most profound nature. His acquaintance with Doomsday Book, the Rolls of Parliament, and the Year Books is not, as is usually the case with modern writers who refer to those authorities, confined to a slight and superficial survey of a few points and cases, but amounts to an extensive and accurate knowledge, evidently derived from a long and careful study of these great title deeds of our English Constitution. Of the author's knowledge of the Rolls of Parliament we shall here mention one remarkable instance. It is commonly stated by writers of authority, that he who held a whole knight's fee was bound to serve in the wars for forty days in every year if called upon. Mr. Toulmin Smith appears to have thrown further light upon this subject from the Rolls of Parliament. Blackstone, who has usually been blindly followed on this point, says, (2 Bl. Com. 62), "He who held a whole fee by knight service was bound to attend his lord to the wars for forty days in every year if called upon;" and as his authority for this statement he cites, "Writ for this purpose in Memorand. Scacch. 36, prefixed to Maynard's Year Book, Edw. 2." On turning to this writ we do not find any mention whatever of the time being forty days. Blackstone further says, "If he held only half a knight's fee, he was only bound to attend twenty days, and so in proportion," (Ib.); and for this he cites Litt. §. 95. Littleton's evidence on the subject is far from conclusive; indeed, no more than conjectural. His words are, "And also it is commonly said, that some held by the service of one knight's fee, and some by the half of a knight's fee. And it is said, that when the King makes a voyage royal into Scotland to subdue the Scots, then he which holdeth by the service of one knight's fee ought to be with the King forty days, well and conveniently arrayed for the war; and he which holdeth his land by the moiety of a knight's fee ought to be with the King twenty days; and he which holdeth his land by the fourth part of a knight's fee ought to be with the King ten days; and so he that hath more, more, and he that hath less, less." For this statement all the authority is "*it is said*." Livy's authority, "*ferunt*" for "*bos locutus*," and the like.

Now, it is curious that the writs, on the authority of which Mr. Toulmin Smith shews (p. 14) that "every parish was required to furnish one foot soldier equipped and armed for *sixty* days," apply to the same point of time, and manifestly the same occasion, as the writ for men-at-arms referred to by Blackstone. The authorities cited by Mr. Smith are, "Rolls of Parliament, temp. Edw. 2, Appendix No. 1, and Id., Appendix No. 25;" and the occasion was the preparation for that memorable "voyage royal into Scotland to subdue the Scots" which had its result in the battle of Bannockburn. Since the writ regarding the foot soldier from the parish was for sixty days, we may conclude that the writ regarding the man-at-arms or knight would be for the same length of time.

The work is divided into nine chapters, treating successively of—I. The parish; its origin, characteristics, functions, divisions. II. Mode of discharging the functions of the parish, bye-laws, the vestry, delegated authority. III. Of parish officers, namely, sect. 1, churchwardens; sect. 2, surveyors of highways;

sect. 3, constables; sect. 4, inspectors of lighting and watching; sect. 5, overseers of the poor; sect. 6, assistant overseers; sect. 7, guardians of the poor; sect. 8, collectors; sect. 9, auditors; sect. 10, registrars of births, deaths, and marriages; sect. 11, beadle; sect. 12, sexton; sect. 13, parish clerk; sect. 14, vestry clerk; sect. 15, the choice of officers in general, the duty of every man therein, and the responsibility of those chosen. IV. Parish committees. V. Trustees of parish property. VI. The position of the parson or minister in respect to the affairs of the parish. VII. Subject-matters of parish action, namely, sect. 1, roads, ways, and drainage; sect. 2, watch and ward; sect. 3, public health, recent legislation thereon; sect. 4, public lighting; sect. 5, fire engines; sect. 6, the poor; sect. 7, the church fabric, goods, services, and pews; sect. 8, burial; sect. 9, registration; sect. 10, inclosure of commons; sect. 11, inrolments; sect. 12, parish records; sect. 13, perambulation; sect. 14, general arrangements necessary for efficient action. VIII. Rates and taxes, namely, highway rate, lighting or lighting and watching rate, county rate and police rate, poor rate, church rate, burial rate, and penalties under bye-laws. IX. The causes of any existing inefficiency in parish action, and the means of securing constant full efficiency. There are two very valuable appendices, the first consisting of an extract from the vestry minutes of Steeple Ashton, Wilts, illustrating the administration of the Poor Law during the first twenty-five years after the 43 Eliz., and the system of a parochial "friendly society" for loans on security; the second, of excellent practical forms for the more effectual carrying out of the functions of committees and boards, (parish, not central), and for securing the fulfilment of the duties of their officers.

In the multitude of constitutional, legal, and practical matters of the very highest value, and of vital importance to the existence of England as a free and well-governed country, it is not easy to select any particular chapters or sections as specimens of the whole. There is, however, one head of vast importance, the management of which has been, we may say, entirely taken out of the hands of the parish, and committed to a central board, which we shall select for consideration, partly because we believe we may be able to add some further weight to Mr. Toulmin Smith's just remarks on it.

After quoting the 11th section of stat. 3 Will. & M. c. 11, which contains these fatal words, "and that no other person be allowed to have or receive collection at the charge of the said parish, *but* by authority under the hand of one justice of the peace residing within such parish," &c., Mr. Toulmin Smith says, "The fatal exceptional admission of the power of a justice of the peace disturbed the action of the system, and became the source of innumerable and continually increasing ills. So soon as 1722 these evils were recorded in the statute-book; but yet the irresponsible power was allowed to remain; as if irresponsible power was the more likely to be satisfactorily exercised because a man was called a 'justice' instead of being called an 'overseer.' That fine old constitutional and soundly logical principle was forgotten, which stands recorded on the Rolls of Parliament of four centuries earlier, that 'more trust is to be placed in the opinion of the men of the neighbourhood than in the bare word of any one man.' (Rolls of Parliament, 21 Edw. 1, A. D. 1293, No. 7). When, however, the evil had come to an intolerable head, instead of its being dealt with in a statesmanlike spirit, it was dealt with, in our own day, in the same narrow spirit as before; it may properly be said in a *more* narrow spirit than ever. Self-opinionated doctrinarism must needs apply its theories. Instead of full scope being given to free and responsible action, and irresponsible action

'and interference being removed, while the intelligent impulse and opportunity were given to all sound suggestions, a new authority, absolutely irresponsible, and incapable of even those means of getting at the needful knowledge which a single justice may have, was set up; and those who are most interested in bringing about the best results, who are alone able to know all the facts, and whose unfettered action it was that had before been mischievously interfered with, were absolutely deprived of all action, responsibility, and control whatever.

"By the unconstitutional measure which was passed in 1834, known as the Poor-law Amendment Act, Parliament abdicated both its fundamental duties and its functions. Power, which Parliament has no constitutional authority to delegate at all, was pretended to be given to an entirely irresponsible and secret body to make rules and orders at its arbitrary pleasure, which overseers of the poor and all such officers should be obliged to obey. Instead of the parishes obtaining what was needed—a more thorough and independently responsible control over their own officers—all control whatever was taken away. The parish has to pay the poor rates, and that is, practically, nearly all that is left to it. It has no sort of control, direct or indirect, over the expenditure or application of the rates, nor over the officers who administer them. Thus indifference is engendered, and a moral degradation, of the most injurious and debasing character and tendency, is enforced; while, on the other hand, social treachery, and secret sycophancy, and moral and intellectual suberviency are cherished and rewarded.

"The overseer is no longer, therefore, the officer of that name found in the acts of Elizabeth. He has now only to do the bidding of others, either as dictated by statute or by irresponsible functionaries. He cannot exercise his own intelligence and zeal in the endeavour to do what he can discover to be best for the common good of all his neighbours, after conferring, as the statutes of Elizabeth required him to do continually, with the churchwardens and other overseers." (Pp. 128—130).

There was unquestionably a vast body of most valuable evidence regarding the condition of the agricultural labourers in particular, and the administration of the Poor Laws, collected by the Poor-law Commission of Inquiry which was appointed in 1832, and made their report in 1834. This evidence is particularly full on the subject of the pernicious effects of the interference of the magistrates with the free and healthy action of the ancient constitutional and common-law authorities of the parish. As the majority of the commissioners were unquestionably men of average veracity and honour, there is no attempt to suppress this evidence. On the contrary, it is brought out with the most complete fullness and effect. In the volume of "Extracts from the Information received by His Majesty's Commissioners as to the Administration and Operation of the Poor Laws," published "by authority," in 1833, this important point is particularly and repeatedly insisted upon. This volume contains a very carefully prepared table of "contents," also published "by authority," from which it will be sufficient to quote two or three of the heads under the title "Magistrates," with the references in support of them.

#### "Magistrates.

"Support persons of vicious habits, in opposition to the parochial authorities, 4, 29, 98, 108, 118, 119, 120, 121, 123, 125, 128, 160, 160, 162, 262, 263, 374, 375, 376, 203.

"Injurious effects of interference with parish authorities, 101, 166, 204, 373.

"Overseers act mischievously, contrary to their con-

viction, knowing that the magistrates will otherwise compel them, 101.

"Advantages of non-interference by, with parish authorities, 99, 100, 200.

"Some of the most enlightened admit the evils of their interference, 126, 127, 128."

And at p. 373 of the same volume we find the following passage:—"Mr. Doewra attributed the bad character and conduct of the native population to the countenance and support which the magistrates afford to the complaints of paupers, against which he declared all resistance on the part of the overseers to be vain; and he accounted for the good conduct of the expatriation by the fact of their having no power to apply to the magistrates, and being in consequence solely dependent on character for employment."

Again: in the Commissioners' Report (1834) we meet with the following evidence, which appears to be quite conclusive:—

"The opinion of many of the most experienced magistrates themselves coincides with that expressed by occupiers and overseers, that the over liberality of magistrates in granting relief has been a principal cause of the high rates, and of the dependence of labourers on the parish. In many instances they have adopted a dictatorial tone to the parish overseers, which has induced men of respectability to avoid the office." (P. 138, 8vo. ed.)

Another assistant commissioner says, "The effect upon the vestries, I was led to believe, was to cause many respectable persons to refrain from attending." (P. 141, Id.) In other words, to destroy altogether the constitutional and common-law powers of the most ancient of our institutions, upon the healthy and efficient working of which, more than any other institution whatever, depends the cultivation of the qualities that distinguish Englishmen from beasts and slaves.

Why, then, it may be asked, instead of at least first trying the experiment of taking from these magistrates their unconstitutional and most pernicious powers, was the expedient at once resorted to of appointing a central board, with a monstrously cumbersome and costly, as well as unconstitutional and inefficient, machinery? It would lead us too far out of our way at present to give a full answer to this question; but we have said enough to shew that the clear and simple course now is to sweep away this central board, with all its appendage rubbish, and to take from the magistrates all power of dictating to or interfering with parishes in this unconstitutional manner.

The following passage on the subject of public footpaths will give some idea of the thoroughly practical character of the work before us:—

"It is of great importance that it be always borne in mind that footpaths are included within all the liabilities and responsibilities as to highways. It is not the mode of passage that makes a road a highway; it is the fact of the right of the public to pass over it—whether by foot, horse, or carriage is all one as regards the law and the principle. A field footpath is just as much a highway as the broadest carriage road in the land. The highway surveyors are just as much bound to keep the former open, in good repair, and freed from any obstruction, as the latter. This is too often forgotten. It is well remarked by a writer already quoted, that under the common law 'no distinction can be found between footpaths and carriage roads; the right of the public is of exactly the same quality over the one as over the other, and it ought to receive the same support in both instances. It is frequently asserted that footpaths are very injurious to the property over which they pass. This I deny, if it be meant that they are injurious to the quantum of property vested in the owner. The soil is not so valuable as it otherwise would be, but it is as productive

'as it ever has been to the proprietor; and it was with reference to its present capability that he purchased the estate. Every right of way is a public easement, which must have been acquired with the consent of the owner of the soil; [more correctly, which was reserved and retained to the public use when the rest of the land, at first altogether common, was allowed to be appropriated to separate proprietorship.] In almost every instance the closing a public way for the benefit of the proprietor is an absolute gift, without consideration, to an individual, out of the possessions of the public.\* There has of late years been a systematic course of attempts by owners of land or their agents to close public footpaths. Formerly this could not be done. The periodical inquiries that took place kept every man's attention alive to such attempts, and gave a ready and certain remedy against them. The attempts that now take place are made because no such wholesome check exists, but they are not less made in defiance of law and right. They are made because it is thought that no individual man will run the risks of a contest on the question. It is the duty of the highway surveyors, on behalf of the community they act for, to watch these things, and to resist every attempt to close or divert any footpath. The public fieldpaths of England are the most valuable possession of the poor of England. They constitute no less one of the great charms of the country to every man of taste and feeling. But to the poor man they are the chief means of health, and the great helps in what is to him income, namely, time and distance. They are as much his birthright and inheritance and property as the acres they lie over are those of the proprietors whose agents seek to 'improve' that property by depriving others of their rights and property. It is as much a fraud and a robbery and a crime against society and the state to stop up a public footpath, over which the poor man is accustomed to pass, as it is to stop the rich man on the highway and demand his money or his life." (Pp. 315—317).

(To be continued).

## PUBLIC GENERAL STATUTES.

17 & 18 VICTORIA.—SESSION 2.

(Continued from p. 392).

### CAP. CV.

An Act to amend the Laws relating to the Militia in England and Wales. [11th August, 1854.]

- Sect. 1. Parts of the 16 & 17 Vict. c. 116, repealed.
2. Place for militia storehouse to be provided. Storehouse to be exempt from local rates.
3. Sale of place which is not required.
4. Expense of storehouse, how to be provided for.
5. Power to borrow on mortgage of the county rates.
6. Justices to provide for interest on mortgages and repayment of principal.
7. Power to re-borrow.
8. Mortgages under former acts saved.
9. Acts done and contracts made by deputy lieutenants shall be valid.
10. Powers given by this act to extend to militia of the city of London.
11. Municipal boroughs exempt from county rate to contribute in due proportion.
12. Mode of assessing the proportions payable by the boroughs.
13. Manner in which the award is to be made.
14. Arbitrator to be appointed in default of agreement.
15. Vacancies in arbitrators to be supplied.
16. Power to inspect rates. Penalty.
17. The borough treasurer to pay the sums awarded to the county treasurer.
18. Borough may borrow money on mortgage.

\* Wellbeloved on Highways, pref., p. 8.

19. How mortgages are to be made.
20. Conveyances and other instruments exempted from stamp duty.
21. Stannaries charged to be apportioned.
22. Award may be revoked in certain events.
23. Three parts of the county of Lincoln, how to be dealt with under this act.
24. How the several quotas shall be paid.
25. Parts of Lincolnshire to be separate counties, with reference to contributions from boroughs and franchises.
26. Isle of Ely to contribute in certain proportion to county of Cambridge.
27. Quotas of the county and isle to be raised separately.
28. In settling proportion contributable by boroughs, &c., the isle to be included in the county.
29. Proportions contributable by franchises and places exempt from county rates.
30. Berwick-upon-Tweed to be deemed part of Northumberland.
31. Landed estate to qualify officers of militia may be in any part of the United Kingdom.
32. Sect. 65 of the 42 Geo. 3, c. 90, repealed.
33. Drummers offending in certain cases, how to be dealt with.
34. Permanent staff to be billeted.
35. Repeal of the 16 & 17 Vict. c. 133, except sects. 1 and 2.
36. Deputy lieutenants to aid in raising volunteers for the militia.
37. Notices of general and subdivision meetings to be sent to deputy lieutenants by post.
38. Times and places of exercise to be appointed without general meetings of lieutenancy.
39. How notices of times and places of exercise to be given.
40. Penalties for fraudulent re-enlistment.
41. The justice before whom a militiaman is convicted of re-enlistment in the militia to send report of conviction to Secretary-at-War.
42. Power to discharge men from the militia who have enlisted in the regular forces.
43. Provision for withholding payment of bounty from men wrongfully absent from training.
44. Inrolment in militia not to cause forfeiture of any interest in any benefit society.
45. Punishment of men not attending or absenting themselves during training, and not taken till after.
46. Provision for apprehension of militiamen not attending or absenting themselves during training.
47. Penalty for inducing militiamen to absent themselves, or harbouring or employing militiamen absenting themselves.
48. Penalty for buying arms or militia stores.
49. Recovery of penalties.
50. Application of certain penalties.
51. Application of penalties on militiamen.
52. Sect. 98 of stat. 42 Geo. 3, c. 90, suspended.
53. Volunteers under instruction in the army to be under Mutiny Act.
54. Act to extend to stannaries of Cornwall and Devon.
55. Secretary of State to have power to move regiments not embodied into any quarters in the United Kingdom.
56. Persons qualified to act as surgeons in the army to be held to be qualified for the militia.
57. Short title.
58. Interpretation.

### CAP. CVI.

An Act for amending the Laws relating to the Militia, and raising a Volunteer Militia Force, in Scotland.

[11th August, 1854.]

Sect. 1. Short title.

*Appointment of Lieutenants, Deputy Lieutenants, and Officers.*

2. Her Majesty to appoint lieutenants of counties, who shall appoint deputies and officers of militia, whose names and ranks shall be certified to her Majesty.
3. Vice-lieutenant, authorised by the lieutenant, may, in his illness, &c., grant commissions and act as lieutenant.
4. Three deputy lieutenants may be authorised to act when the lieutenant shall be out of the kingdom, or where there shall be none.
5. Commissions not to be vacated by the revocation of the power of the grantor.

*Qualifications of Deputy Lieutenants and Officers.*

6. Qualifications of vice-lieutenants, deputy lieutenants, and officers, except within the city of Edinburgh.
7. Qualifications within the city and county of the city of Edinburgh.
8. The lieutenant, with the approbation of her Majesty, may appoint the provost of any royal burgh, or three resident persons, to be deputies of the sub-division.
9. Qualification of deputy lieutenant or officer may arise from personal estate.
10. Persons holding certain military ranks may be appointed field officers, though not possessed of property qualifications.
11. No qualification required under rank of captain.

*General Meetings of Lieutenantcy.*

12. General meetings of lieutenantcy to be held only in certain cases.

*Mode of Appointment and Rank of Officers.*

13. Secretary of State may make regulations as to appointment of officers.
14. Existing officers who are qualified for service may continue. Officers not so continued shall retain their ranks.
15. Rank of officers accepting commissions in other regiments.
16. How the field officers shall be appointed. As to a county not furnishing sufficient men for a company.
17. Where commandant shall be absent from Great Britain, her Majesty may direct the officer next in command to act for him, who shall be vested with the same powers till the commandant shall return, and notify his arrival. Orders given by the commandant, &c. for clothing or accoutrements shall be completed, and the money paid to his order, though he may leave Great Britain.
18. How the captains and subalterns shall be appointed.
19. Her Majesty may direct supernumerary officers to be appointed to men trained for the service of artillery.
20. The lieutenant authorised to name the colonel may, with the approbation of her Majesty, appoint a surgeon.
21. Her Majesty to appoint adjutants from the army or militia, who shall preserve their rank in the army, and may be appointed to the rank of captain.
22. Her Majesty to appoint quartermasters, &c., and colonels to appoint corporals and drummers. Colonel may appoint drum-major. While militia is embodied, colonels to appoint sergeants; but no publican shall be a sergeant, corporal, or drummer.
23. No adjutant, &c. to be appointed captain of a company.
24. Extra drummers may be kept as fifes or musicians, at the expense of the regiment.
25. Oath to be taken by persons entering militia.

*Raising of Men for the Militia.*

26. Number of militia to be raised.
27. Quotas of counties to be fixed by Order in Council.
28. Her Majesty may direct into what regiments, &c. militia shall be formed, and with what officers and staff.
29. Militiamen to be raised by voluntary enlistment.
30. The number not raised by enlistment in any county may be authorised to be raised by enlistment as a supplemental corps in another county.
31. Volunteers to be raised for supplying the places of men whose time is about to expire, and for supplying vacancies by death, &c.
32. Volunteers to be sworn and inrolled.
33. Secretary-at-War may make regulations for bounties, and age, height, &c. of men.
34. Regulations to be laid before Parliament.

*Regulations for keeping of Arms and Stores.*

35. Arms, &c. to be kept in a place appointed by the commandant, with the approbation of the county lieutenant, to be under the care of the quartermaster.
36. Place for militia storehouse to be provided.
37. Expense of storehouse, how to be provided for.
38. Commissioners may raise sums required by assessment or by borrowing.
39. Apportionment of assessment on burghs.
40. Power to Queen's Advocate to raise and apply assessments.
41. Conveyances, &c. exempt from stamp duty.
42. Penalty for neglect of duty in clerks of supply.

*Regulations for Training and Exercise.*

43. Lieutenants, with approbation of a Secretary of State, to provide places for exercise.
44. Regulations for sending notice of the times and places of exercise.
45. Her Majesty may cause militia to be called out for training more than once in a year.
46. Secretary of State may cause militia to be exercised out of their own counties, and her Majesty may extend or reduce the period of exercise.

*Regulations for embodying Militia.*

47. In cases of actual invasion, rebellion, &c., her Majesty may order the militia to be embodied, and put under the command of general officers, &c., and led by their respective officers into any part of Great Britain.
48. When the militia is ordered out, the county lieutenants shall issue orders to the schoolmasters, &c.
49. While any part of the militia shall continue embodied, her Majesty may order any not embodied to be drawn out, to be mustered, trained, and exercised.

*Billleting &c. of Militiamen.*

50. Justices, &c. may billet the militia when called out to annual exercise, and, when not called out, may order quarters for the non-commissioned officers and drummers.
51. Directing how militiamen falling sick on the march are to be relieved.

*Regulation of Punishment of Militia during Exercise, or when embodied.*

52. Officers, &c. may be tried by a court-martial for offences committed.
53. But charges to be made out and delivered within six months after training or being disembodied.
54. Volunteers under instruction in the army to be under Military Act.

*Constitution of Courts-martial.*

55. General courts-martial may be appointed. Pay and allowance to officers.
56. Regimental courts-martial may be appointed.
57. Non-commissioned officers may be reduced to privates for a certain period, and if not then restored they shall be discharged.

*Punishment of Desertion from Militia when not embodied.*

58. Men not appearing at the time and place of exercise, or absenting themselves during that time, if not taken till afterwards, shall forfeit 10*l.*, or be committed for three months.
59. Penalties for fraudulent re-enlistment.
60. The justice before whom a militiaman is convicted of enlistment in the regular forces or re-enlistment in the militia to send report of conviction to Secretary-at-War.
61. Power to discharge men from the militia who have enlisted in the regular forces.
62. Provision for withholding payment of bounty from men wrongfully absent from training.
63. Drummers or bagpipers offending in certain cases, how to be dealt with.
64. In case of discharge for misconduct, the cause of discharge to be certified on certificate of discharge.
65. Provision for apprehension of militiamen not attending or absenting themselves during training.
66. Penalty for inducing militiamen to absent themselves, or harbouring or employing militiamen absenting themselves.

*Punishment for Sale, &c. of Arms, &c.*

67. Muskets to be marked, and if men sell or lose their arms, &c., or neglect to return them in good order, they shall forfeit not exceeding 3*l.*, or be committed for not exceeding three months.
68. Penalty for buying militia arms, &c.

*Miscellaneous Provisions.*

69. Inrolment in militia not to cause forfeiture of any interest in any benefit society.
70. Inrolment of servants shall not vacate their contracts with their masters unless the militia shall be embodied &c. Sheriff or two justices may settle disputes touching wages under 20*l.* under Small Debt Acts.

*Recovery of Penalties, &c.*

71. How penalties shall be recovered, and how applied, where not otherwise directed by this act.
72. No order of conviction shall be removed out of the county.



73. Application of certain penalties.  
 74. Application of penalties on militiamen.  
 75. Justices may grant warrants for the citation of witnesses.  
 76. Provisions of Twopenny Acts to extend to county lieutenants and deputies.  
 77. Limitation of actions. Treble expenses.  
 (To be continued).

### London Gazette.

FRIDAY, OCTOBER 20.

#### BANKRUPTS.

**JAMES SURMAN**, New Hampton, Middlesex, market gardener and dealer in beer, Oct. 26 (and *not* 24, as before advertised) and Nov. 28 at 2, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Messrs. Solomon, Fenchurch-street.—Petition filed Oct. 4.

**EDWARD HAWKINS**, Pensonby-street, Westminster, builder, Oct. 27 at 11, and Nov. 30 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Messrs. Hoggood, King William-street, Strand.—Petition filed Oct. 17.

**CHARLES DEARIE**, Frederick's-place, Old Jewry, London, merchant, dealer and chapman, (trading under the firm of Charles Dearie & Co.), Oct. 30 at 2, and Nov. 30 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Lawrance & Co., Old Jewry-chambers.—Petition filed Oct. 18.

**HARVEY MEADOWS**, Warboys, Huntingdonshire, draper and grocer, dealer and chapman, Oct. 30 at half-past 12, and Nov. 30 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Jones, 15, Sise-lane, London.—Petition filed Oct. 11.

**CHRISTOPHER CREW** and **CHRISTOPHER CREW** the younger, Gertrade-street, Chelsea, Middlesex, builders, Oct. 28 at half-past 1, and Dec. 9 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Grime & Co., 23, Bedford-row.—Petition filed Oct. 17.

**GEORGE M'MILLAN**, Bennett-street, Blackfriars-road, Surrey, draper, dealer and chapman, Oct. 28 at 11, and Dec. 9 at half-past 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. J. & J. H. Linklater, 17, Sise-lane, London.—Petition dated Oct. 17.

**WILLIAM YEATHERD BALL**, Wood-street, Cheapside, London, and Holland-street, Blackfriars-road, Surrey, wholesale glover, dealer and chapman, (trading under the firm of William Y. Ball & Co.), Oct. 28 at half-past 1, and Dec. 9 at 2, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Depree & Austen, 9, Lawrence-lane, Cheapside.—Petition dated Oct. 20.

**JOHN HEWETT**, (and *not* HEWITT, as before advertised), Leamington Priors, Warwickshire, brick maker, Oct. 27 and Nov. 16 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Overell, Leamington Priors; Motteram & Knight, Birmingham.—Petition dated Oct. 6.

**HENRY MANTLE HITCHCOCK**, Ilkeston, Derbyshire, miller, dealer and chapman, Nov. 7 and 28 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sol. Spooner, Leicester.—Petition dated Oct. 12.

**ROBERT LAMBERT**, Liverpool, merchant, outfitter, dealer in tents, dealer and chapman, Nov. 3 and 30 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sol. Blackburn, Liverpool.—Petition filed Oct. 12.

**WILLIAM MOSS**, Liverpool, cabinet maker, Oct. 31 and Nov. 22 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Evans & Son, Liverpool.—Petition filed Oct. 13.

**ISAAC FLETCHER**, Liverpool, stock and share broker, dealer and chapman, Nov. 3 and 30 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sol. Dodge, Liverpool.—Petition filed Oct. 13.

**PETER ORMEROD**, **GEORGE HEYWORTH**, **TIMOTHY HEYWORTH**, **EDMUND BRIDGE**, and **ROBERT CROSSLEY**, Egypt Mill, near Rawtenstall, Lancashire, cotton manufacturers, dealers and chapman, Oct. 31 and Nov. 23 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Herniman; Sols. T. A. & J. Grundy, Manchester.—Petition filed Oct. 12.

**LAMBERT TATLEY**, New Hall Mills, Ince, near Wigan, Lancashire, cotton spinner, dealer and chapman, Nov. 3 and 24 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Herniman; Sol. Rowley, Manchester.—Petition filed Oct. 18.

**THOMAS WHEELDON**, Bakewell, Derbyshire, tailor and woollendrapier, dealer and chapman, Oct. 30 and Nov. 23 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Herniman; Sols. Bowley, Nottingham; Roberts, Manchester.—Petition filed Oct. 10.

#### MARTINEES.

**Thomas Shenton**, Bethnal-green-road, Middlesex, grocer, Nov. 13 at 2, Court of Bankruptcy, London, last. ex.—**Henry Knapp**, Chelsea, Middlesex, builder, Nov. 2 at 11, Court of Bankruptcy, London, and. ac.—**Wm. Adams**, Great Tower-st., London, merchant, Nov. 2 at 12, Court of Bankruptcy, London, and. ac.—**G. F. Rosseter**, London-wall, London, wholesale clothier, Nov. 2 at 11, Court of Bankruptcy, London, and. ac.—**James Merckam**, Foulmire, Cambridgeshire, grocer, Nov. 2 at 12, Court of Bankruptcy, London, and. ac.—**Henry Oatman**, Sandgate, Kent, grocer, Nov. 2 at 1, Court of Bankruptcy, London, and. ac.—**Charles Henry May**, Edgeware-road, St. Marysbone, Middlesex, jeweller, Nov. 2 at 12, Court of Bankruptcy, London, and. ac.—**Wm. Long**, Lamb's Conduit-street, Middlesex, baker, Nov. 2 at 12, Court of Bankruptcy, London, and. ac.—**Charles T. Laycock**, Brighton, Sussex, perfumer, Nov. 2 at 1, Court of Bankruptcy, London, and. ac.—**Wm. John Ward**, Folkestone, Kent, inn-keeper, Nov. 2 at 11, Court of Bankruptcy, London, and. ac.—**S. R. Waite**, Wernwood-street, London, butcher, Nov. 2 at 11, Court of Bankruptcy, London, and. ac.—**E. Ground**, Leverington Parsoncove, Cambridgeshire, grocer, Nov. 2 at 11, Court of Bankruptcy, London, and. ac.—**Wm. Cooney**, Manchester, silk manufacturer, Nov. 7 at 12, District Court of Bankruptcy, Manchester, and. ac.; Nov. 14 at 12, div.—**Richard Brownlow**, Manchester, gum manufacturer, Nov. 2 at 12, District Court of Bankruptcy, Manchester, and. ac.—**Benjamin James** and **Thomas G. Hardie**, Newport, Monmouthshire, builders, Nov. 16 at 11, District Court of Bankruptcy, Bristol, and. ac.—**Henry Amor**, Bath, Somersetshire, shoemaker, Nov. 2 at 11, District Court of Bankruptcy, Bristol, and. ac.—**John Thomson** and **Wm. Leith**, Liverpool, timber merchants, Nov. 2 at 11, District Court of Bankruptcy, Liverpool, and. ac.—**Frederick Smith**, Standon, near Ware, Hertfordshire, miller, Nov. 10 at half-past 11, Court of Bankruptcy, London, div.—**Isaac Jones** and **Mary Browne**, High-row, Knightsbridge, Middlesex, lead and glass merchants, Nov. 14 at 12, Court of Bankruptcy, London, div.—**J. O. Mason**, **John Mason**, and **Alfred Mason**, New Broad-street, London, merchants, Nov. 16 at 11, Court of Bankruptcy, London, div.—**James Woods**, Conduit-street, Bond-street, Middlesex, tailor, Nov. 14 at 12, Court of Bankruptcy, London, div.—**John Teylor**, Heane, Suffolk, grocer, Nov. 14 at 1, Court of Bankruptcy, London, div.—**John Bristow**, Lewes, Sussex, tea dealer, Nov. 14 at 1, Court of Bankruptcy, London, div.—**Augustus Henneham**, Portsmouth, Southampton, grocer, Nov. 14 at half-past 1, Court of Bankruptcy, London, div.—**Chas. James Sanders**, Collingwood-street, Blackfriars-road, Surrey, provision merchant, Nov. 14 at 11, Court of Bankruptcy, London, div.—**Joseph Hill** the younger, Southampton, builder, Nov. 14 at 11, Court of Bankruptcy, London, div.—**Peter Perring Thomas**, Warwick-square, Newgate-street, London, printer, Nov. 11 at half-past 12, Court of Bankruptcy, London, div.—**James Sherman**, Brentwood, Essex, grocer, Nov. 11 at 12, Court of Bankruptcy, London, div.—**Thos. Chapman**, Leicester, worsted spinner, Nov. 21 at 10, District Court of Bankruptcy, Nottingham, and. ac. and div.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

**Henry Knapp**, Chelsea, Middlesex, builder, Nov. 13 at half-past 11, Court of Bankruptcy, London.—**Charles Levett**, Ely, Cambridgeshire, ironmonger, Nov. 11 at half-past 12, Court of Bankruptcy, London.—**John Miner**, Devonshire-street, Islington, Middlesex, stockbroker, Nov. 11 at half-past 11, Court of Bankruptcy, London.—**Wm. Forks**, Cheshunt, Hertfordshire, builder, Nov. 10 at half-past 12, Court of Bankruptcy, London.—**Frederick Hawes King**, New Shoreham, Sussex, carpenter, Nov. 10 at 2, Court of Bankruptcy, London.—**Benedetto Bernasconi**, Red Lion-street, Clerken-

well, Middlesex, looking-glass frame manufacturer, Nov. 10 at 11, Court of Bankruptcy, London.—*E. Staples* the younger, Soham, Cambridgeshire, miller, Nov. 11 at 11, Court of Bankruptcy, London.—*Nathan Jacob Calisher*, Norfolk-street, Strand, Middlesex, jeweller, Nov. 10 at half-past 1, Court of Bankruptcy, London.—*Henry Amor*, Bath, Somersetshire, shoemaker, Nov. 14 at 11, District Court of Bankruptcy, Bristol.—*Thomas Henry Myers* and *William Myers*, Birkenhead, Cheshire, coal dealers, Nov. 13 at 11, District Court of Bankruptcy, Liverpool.—*Wm. Hollins*, Manchester, commission merchant, Nov. 13 at 12, District Court of Bankruptcy, Manchester.—*Wm. Hunter*, Rainford, Lancashire, manager of a quarry, Nov. 13 at 11, District Court of Bankruptcy, Liverpool.—*George Hobson*, Leeds, Yorkshire, grocer, Nov. 10 at 11, District Court of Bankruptcy, Leeds.—*J. Holland Oates*, Halifax, Yorkshire, painter, Nov. 10 at 11, District Court of Bankruptcy, Leeds.—*J. Denbigh*, Bradford, Yorkshire, woolstapler, Nov. 10 at 11, District Court of Bankruptcy, Leeds.—*John Ellis Watkinson*, Halifax, Yorkshire, grocer, Nov. 10 at 11, District Court of Bankruptcy, Leeds.—*Obadiah Willans* and *Henry Rawson*, Leeds, Yorkshire, cloth merchants, Nov. 10 at 11, District Court of Bankruptcy, Leeds.—*Thomas Wrightson*, York, woollendrapers, Nov. 10 at 11, District Court of Bankruptcy, Leeds.—*Robt. Sykes*, Sheffield, Yorkshire, grocer, Nov. 11 at 12, District Court of Bankruptcy, Sheffield.—*Wm. Waller* the younger, Chesterfield, Derbyshire, ironfounder, Nov. 11 at 12, District Court of Bankruptcy, Sheffield.—*F. Kay*, Sheffield, Yorkshire, cut-nail manufacturer, Nov. 11 at 12, District Court of Bankruptcy, Sheffield.—*George Haslam*, Higham, near Alfreton, Derbyshire, carrier, Nov. 11 at 12, District Court of Bankruptcy, Sheffield.—*Joseph Cundell*, Sheffield, Yorkshire, carpenter, Nov. 11 at 12, District Court of Bankruptcy, Sheffield.—*Ann Maria Edwards* and *Thomas Cooper*, Coventry, Warwickshire, ironmongers, Nov. 13 at 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*Frederick Scotton*, Aldermanbury, London, and Southampton-street, Strand, Middlesex, tavern keeper.—*E. Davies*, Harrow-road, Paddington, and Park-terrace, Regent's-park, Middlesex, oilman.—*James Bishop*, Southampton, boot maker.—*Anthony Atkinson*, Newcastle-upon-Tyne, sharebroker.—*James Wild*, Hurst, near Ashton-under-Lyne, Lancashire, cotton spinner.

#### PARTNERSHIP DISSOLVED.

*Edward Lawford*, *John Lawford*, and *Henry S. Lawford*, Drapers' Hall, Throgmorton-street, London, attorneys and solicitors.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*James Swift* the elder, Dawley, Shropshire, puddler, Nov. 18 at 10, County Court of Shropshire, at Madeley.—*William Craddock*, Abersychan, Monmouthshire, beer-house keeper, Nov. 9 at 10, County Court of Monmouthshire, at Pontypool.—*John Williams*, Denbigh, woollendrapers, Nov. 9 at 11, County Court of Denbighshire, at Denbigh.—*John Price*, Worcester, tailor, Nov. 15 at 10, County Court of Worcestershire, at Worcester.—*Wm. Bill*, Mold, Flintshire, cooper, Nov. 7 at 1, County Court of Flintshire, at Mold.—*Thomas Freestone*, Foulden, Norfolk, rat destroyer, Nov. 9 at 10, County Court of Norfolk, at Swaffham.—*John Elkins*, Winchester, Southampton, innkeeper, Oct. 31 at 11, County Court of Hampshire, at Winchester.—*Maria Bamford*, widow, Rochdale, Lancashire, out of business, Nov. 2 at 12, County Court of Lancashire, at Rochdale.—*Robert Biddulph*, Stoke-upon-Trent, Staffordshire, commission agent, Oct. 27 at 10, County Court of Staffordshire, at Stoke-upon-Trent.—*Robert W. White*, Pembroke, currier, Nov. 13 at 11, County Court of Pembrokeshire, at Pembroke.—*Wm. Ward Moore*, Maidenhead, Berkshire, out of business, Nov. 15 at 10, County Court of Berkshire, at Windsor.—*David H. Taylor*, Birkenhead, Cheshire, commission agent, Nov. 10 at 10, County Court of Cheshire, at Birkenhead.—*Wm. Spence*, Newcastle-upon-Tyne, lodging-house keeper, Nov. 9 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—*J. Grantham*, Newcastle-upon-Tyne, bricklayer, Nov. 9 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—*J. Critchlow*, Bury St. Edmunds, Suffolk, clerk to the Newmarket Railway

Company, Oct. 30 at 10, County Court of Suffolk, at Bury St. Edmunds.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Nov. 3 at 10, before the CHIEF COMMISSIONER.*

*George Watmough*, Manville-terrace, Maiden-lane, Kentish-town, Middlesex, carpenter.

*Nov. 3 at 10, before Mr. Commissioner MURPHY.*

*Francis E. Steele*, Norland-road, Shepherd's-bush, Middlesex, assistant to a licensed victualler.—*William Louis Le Plastrier*, Sidmouth-st., Gray's-inn-road, Middlesex, watch-maker.

*Nov. 4 at 11, before Mr. Commissioner PHILLIPS.*

*Thomas Caffall*, North-street, Maida-hill, Edgeware-road, Middlesex, plumber.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Hampshire, at WINCHESTER, Oct. 31.*

*Augustus Wise*, Swanwick, near Pitchfield, labourer.

*At the County Court of Gloucestershire, at BRISTOL, Nov. 2 at half-past 10.*

*Wm. Henry Moshay*, Bristol, omnibus conductor.

*At the County Court of Dorsetshire, at DORCHESTER, Nov. 7 at 12.*

*George J. Moors*, Weymouth and Melcombe Regis, beer-house keeper.

#### TUESDAY, OCTOBER 24.

##### BANKRUPTS.

**WILLIAM GRIMWOOD STILL**, Wellclose-square, Middlesex, glass merchant, dealer and chapman, (trading under the name, style, or description of Grimwood, Still, & Co.), Nov. 2 at half-past 1, and Dec. 7 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Wilson, Gresham-st.—Petition filed Oct. 20.

**WILLIAM BRODRICK MITCALFE**, Taunton-place, Regent's-park, Middlesex, dealer in mining shares and horse dealer, Nov. 9 at half-past 11, and Dec. 11 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Hillier & Fenwick, 8, Fenchurch-street.—Petition filed Oct. 14.

**FRANCIS HUMPHREY SPANTON**, Norwich, Norfolk, innkeeper, Nov. 7 at half-past 12, and Dec. 7 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Atkinson, Norwich: Lawrance & Co., Old Jewry-chambers.—Petition filed Oct. 23.

**ROBERT ANDREWS**, Braintree, Essex, corn, flour, coal, and seed merchant, (but now a prisoner in the Debtors Prison for London and Middlesex, Whitecross-street, London), Nov. 7 and Dec. 7 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Reed, 11, Ironmonger-lane.—Petition filed Oct. 19.

**THOMAS NUTTER**, Cambridge, brewer, dealer and chapman, Oct. 31 and Dec. 18 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. King, Cambridge; J. T. & H. Baddekyn, 48, Leman-street, Goodman's-fields, London.—Petition dated Oct. 21.

**HENRY JOHN NASH**, Crown-court, Cheapside, London, woollen warehouseman, dealer and chapman, Oct. 31 and Dec. 13 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. J. & J. H. Linklater, 17, Sise-lane; Bylis, Redcross-street, London.—Petition dated Oct. 20.

**WILLIAM DUNKLEY**, Daventry, Northamptonshire, grocer, tallowchandler, and ironmonger, Nov. 4 at 1, and Dec. 13 at half-past 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Barton & Son, Daventry, Northamptonshire; Austen & De Gex, Gray's-inn.—Petition dated Oct. 21.

**JOHN HAWKINS** and **ROBERT NEEDHAM**, Sheffield, Yorkshire, table-knife manufacturers, Nov. 4 and Dec. 9 at 11, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sol. Fernell, Sheffield.—Petition filed Oct. 12.

**GEORGE SETTERFIELD**, Ipswich, Suffolk, grocer, Oct. 31 at half-past 1, and Dec. 13 at half-past 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Jennings, Ipswich; Nicholls & Doyle, 2, Verulam-buildings, Gray's-inn.—Petition dated Oct. 11.

**EDWARD KEGG**, Liverpool, and Birkenhead, Cheshire, coal dealer, Nov. 3 and 30 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Stockley & Thompson, Liverpool.—Petition filed Oct. 20.

**ABRAHAM DAVIS**, Tottenham-court-road, Middlesex, hardwareman, and dealer in china and glass, Oct. 31 at half-past 1, and Nov. 30 at half-past 2, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Braham, 12, Fumival's-inn, Holborn, London.—Petition filed Oct. 21.

**JOHN FULLWOOD**, Birmingham, brass candlestick manufacturer, dealer and chapman, Nov. 3 and 30 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Hawkes, Birmingham.—Petition dated Oct. 18.

**ISADORE BERNSTEIN**, (sometimes called **JOSEPH BERNSTEIN**), formerly of Essex-street, Strand, Middlesex, outfitter; afterwards of California, America; more recently of Melbourne, Victoria, South Australia; and now of Liverpool, Lancashire, commission agent and merchant, Nov. 7 and 28 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Evans & Son, Liverpool.—Petition filed Oct. 21.

**RICHARD FORSHAW**, Liverpool, machine maker, dealer and chapman, Nov. 7 and 28 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sol. Bremner, Liverpool.—Petition filed Oct. 18.

**JOSEPH SMITH** and **RALPH SIMPSON**, Burnley, Lancashire, ironfounders, Nov. 9 and 30 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sol. Slater, Manchester.—Petition filed Oct. 18.

#### MEETINGS.

*George Edmund Shuttleworth, Mark Hodgson Shuttleworth, and George Edmund Shuttleworth the younger*, Poultry, London, auctioneers, Nov. 6 at 2, Court of Bankruptcy, London, last ex.—*Morris Schwartz*, Haydon-square, Minories, Middlesex, clothier, Nov. 6 at 1, Court of Bankruptcy, London, last ex.—*Richard Clark and John Inglis*, King's-cross, Middlesex, drapers, Nov. 8 at 2, Court of Bankruptcy, London, last ex.—*Washington Yarroll and Thomas Hallam*, High-street, Borough, Surrey, tailors, Nov. 4 at 12, Court of Bankruptcy, London, last ex.—*William Champion Eaton*, Maidstone-wharf, Upper Thames-st., London, flour wharfinger, Nov. 4 at half-past 11, Court of Bankruptcy, London, last ex.—*Frances Fanny Nevell and John Finlayson*, Hampstead-road, Middlesex, brass founders, Nov. 7 at 11, Court of Bankruptcy, London, aud. ac.—*Edward Arthur Weeks and Alfred Wm. G. Weeks*, Park-cottage, King's-road, Chelsea, Middlesex, horticultural builders, Nov. 7 at 12, Court of Bankruptcy, London, aud. ac.—*Fred. Smith*, Standon, near Ware, Hertfordshire, miller, Nov. 4 at 1, Court of Bankruptcy, London, aud. ac.—*Chas. White*, Whatford, Hertfordshire, sheep dealer, Nov. 3 at 2, Court of Bankruptcy, London, aud. ac.—*Wm. Paton*, Bread-street, London, warehouseman, Nov. 3 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Wm. Astina*, Joiners' Hall-buildings, Upper Thames-street, London, and Upper Fountain-place, City-road, Middlesex, machine printer, Nov. 3 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Ward West Arliss*, Plymouth, Devonshire, ale merchant, Nov. 3 at 2, Court of Bankruptcy, London, aud. ac.—*Samuel Turner Prout*, Adde-street, Wood-street, Cheapside, London, licensed victualler, Nov. 3 at 2, Court of Bankruptcy, London, aud. ac.—*Thomas Stenhouse*, Friday-street, Cheapside, London, warehouseman, Nov. 3 at 11, Court of Bankruptcy, London, aud. ac.—*Robt. P. Stephens*, Liverpool, shipowner, Nov. 13 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; Nov. 14 at 11, div.—*Henry Carrington*, Mile End, near Stockport, Cheshire, nurseryman, Nov. 9 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*James Acomb*, Blackburn, Lancashire, and York, draper, Nov. 9 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*John Fittes and Robt. Fittes*, Newcastle-upon-Tyne, Northumberland, and Gateshead, Durham, tea dealers, Nov. 7 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac. joint and sep. ests.; Nov. 21 at 11, last ex. and div. joint est.—*Wm. Graham*, Wigton, Cumberland, grocer, Nov. 9 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*J. Harrison*, Sunderland, Durham, licensed victualler, Nov. 14 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Ralph Hutchinson*, Monkwearmouth Shore, Durham, shipbuilder, Nov. 7 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—

*H. Jesse*, Basingstoke, Southampton, corn factor, Nov. 15 at 12, Court of Bankruptcy, London, div.—*Wm. H. Hemsworth*, Primrose-st., Bishopsgate-street, London, wine merchant, Nov. 21 at 11, Court of Bankruptcy, London, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Wm. Speller*, Warwick-road West, Paddington, Middlesex, builder, Nov. 14 at 1, Court of Bankruptcy, London.—*John McCalla and Alex. Fotheringham*, Friday-street, Cheapside, London, warehousemen, Nov. 14 at half-past 1, Court of Bankruptcy, London.—*W. Henry Unwin*, Belle-vue-terrace, Camberwell, Surrey, builder, Nov. 23 at half-past 1, Court of Bankruptcy, London.—*Bliz. Munting and J. Munting*, Little Moorfields, London, licensed carmen, Nov. 15 at half-past 12, Court of Bankruptcy, London.—*W. Geldart*, North Shields, Northumberland, shipowner, Nov. 16 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Geo. Lowry*, Salford, Lancashire, flax spinner, Nov. 15 at 12, District Court of Bankruptcy, Manchester.—*Alfred Burrows*, Mile End, near Stockport, Cheshire, silk manufacturer, Nov. 15 at 12, District Court of Bankruptcy, Manchester.—*R. Mason*, Manchester, stationer, Nov. 15 at 12, District Court of Bankruptcy, Manchester.—*Jas. Lawrence*, Blackpool, Lancashire, innkeeper, Nov. 16 at 12, District Court of Bankruptcy, Liverpool.—*Wm. Banfield*, Wolverhampton, Staffordshire, hop merchant, Nov. 16 at half-past 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*Stephen Wiles*, St. Neots, Huntingdonshire, brewer.—*D. Knight*, Wood-st., Cheapside, London, warehouseman.—*John Milnes*, Rochdale, Lancashire, woolstapler.—*William Guest*, Manchester, commission agent.—*Hen. Brownell*, Liverpool, merchant.—*Samuel Youde*, Birkenhead, Cheshire, joiner.

#### SCOTCH SEQUESTRATIONS.

*Ebenezer Davidson*, Leith, ship broker.—*Francis Jardine*, Edinburgh, wine merchant.

#### DECLARATION OF INSOLVENCY.

*Elizabeth Green Wait*, Nov. 8 at 12, County Court of Monmouthshire, at Newport.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Thomas Hill*, Bristol, baker, Dec. 7 at half-past 10, County Court of Gloucestershire, at Bristol.—*Charles Perry Raffals*, Bristol, packing-case manufacturer, Nov. 23 at half-past 10, County Court of Gloucestershire, at Bristol.—*Geo. Bush*, Bristol, in no business, Dec. 7 at half-past 10, County Court of Gloucestershire, at Bristol.—*John Paddle*, Debtling, Kent, boot maker, Nov. 7 at 12, County Court of Kent, at Maidstone.—*Thos. Hoad*, Maidstone, Kent, baker, Nov. 7 at 12, County Court of Kent, at Maidstone.—*John Glover the younger*, Warrington, Lancashire, travelling tea dealer, Nov. 9 at 10, County Court of Lancashire, at Warrington.—*Matthew Hume*, Hexham, Northumberland, tailor, Nov. 15 at 12, County Court of Northumberland, at Hexham.—*Edwin Griffin*, Prestleigh, Douling, Somersetshire, land drainer, Nov. 16 at 11, County Court of Somersetshire, at Wells.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Nov. 24 at 10, before the CHIEF COMMISSIONER.*

*Henry Restall*, Macclesfield-street North, City-road, Middlesex, clerk to an ironmonger.—*Henry Darke*, Ranelagh-st., Fimlico, Middlesex, clerk in the General Registry-office, Somerset-house.—*John Judd*, Kent-street, Southwark, Surrey, baker.—*Henry Porter*, Ealing, Middlesex, shoemaker.—*George Norman*, Stratford, Essex, confectioner.—*Frederick Armstrong*, Lower Sussex-place, Old Kent-road, Surrey, clerk in her Majesty's dockyard.

*Jan. 4 at 11, before Mr. Commissioner PHILLIPS.*

*Charles Evan Streachan*, Manor-place, Upper Holloway, Middlesex, cheesemonger.—*Jas. Hilario Maskell*, Richmond-road, Islington, Middlesex, bookkeeper at the Crystal Palace

at Sydenham.—*Thomas Wooldridge*, Shepherd-st., Hanover-square, Oxford-st., Middlesex, lodging-house keeper.—*John Drew*, Bond's-place, Rye-lane, Peckham, Surrey, surveyor.—*Wm. Wells Ford*, Deptford-green, Deptford, Kent, barman.—*James Morley Cogswell*, Harford-place, West-street, Walworth, Surrey, carpenter.—*James Finch*, York-place, Stepney, Middlesex, out of business.—*John Collins*, Seaward-st., Goswell-st., St. Luke's, Middlesex, awl maker.

*Saturday, Oct. 21.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Charles John Penney*, Roberts-place, Commercial-road East, Middlesex, manufacturer of varnish, No. 64,664 T.; *Joseph Francis Holmes*, assignee.—*Charles Kemp*, Crownfield, near Debenham, Suffolk, bricklayer, No. 78,400 C.; *Samuel Mann*, assignee.—*Samuel Haigh*, Leeds, Yorkshire, flax dresser, No. 78,693 C.; *Alexander Blenkinsop*, assignee.—*William Bracewell*, Bradford, Yorkshire, provision dealer, No. 78,758 C.; *William Pratt Tattersall*, assignee.—*Joseph Harrison*, Bradford, Yorkshire, butcher, No. 78,769 C.; *William Pratt Tattersall*, assignee.—*William Dandy*, Caistor, Lincolnshire, plumber, No. 76,515 C.; *John Robinson*, assignee.

*Saturday, Oct. 21.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

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Commercial-road East, Middlesex, clerk in the Audit-office, Somerset-house: in the Debtors Prison for London and Middlesex.—*George Richardson*, Alexandrian-cottages, Queen's-road, Dalston, Middlesex, smith: in the Debtors Prison for London and Middlesex.—*Wm. Dunford*, Upper Berkeley-st., Portman-square, Middlesex, saddler: in the Debtors Prison for London and Middlesex.—*G. L. Story*, Moreton-terrace, Kentish-town, Middlesex, house agent: in the Debtors Prison for London and Middlesex.—*Robert Smith*, Crofton Mills, Blyth, Northumberland, mariner: in the Gaol of Surrey.—*H. R. Quartley*, New Bond-street, Middlesex, clerk in holy orders: in the Gaol of Dover.—*C. Coppinger*, Folkestone, Kent, custom-house agent: in the Gaol of Dover.—*Thos. Penk*, Manchester, grocer: in the Gaol of Lancaster.—*Wm. Jooling*, Bradford, Yorkshire, shoemaker: in the Gaol of York.—*Daniel Hartnett*, White Windows, Sowerby, Yorkshire, schoolmaster: in the Gaol of York.—*Wm. Heafeld*, Birmingham, builder: in the Gaol of Coventry.—*W. Hooper*, Aastwood, Feckenham, Worcestershire, carpenter: in the Gaol of Worcester.—*Wm. Pashley*, Leeds, Yorkshire, boatman: in the Gaol of York.—*James Glover*, Shipley, near Bradford, Yorkshire, agent for the sale of spirituous liquors: in the Gaol of York.—*Robert Myers*, Leeds, Yorkshire, hay dealer: in the Gaol of York.—*Frederick Hurlston*, Birmingham, out of business: in the Gaol of Coventry.—*Henry C. Buller*, Birmingham, retail brewer: in the Gaol of Coventry.—*F. W. Rooff*, Canterbury, Kent, out of business: in the Gaol of Maidstone.—*Abraham Whitehead*, Lee Bankbottom, Ovendon, near Halifax, Yorkshire, grocer: in the Gaol of York.—*G. Cadman*, Heaton Norris, Lancashire, out of business: in the Gaol of Lancaster.—*Henry Sagar*, Padiham, Lancashire, out of business: in the Gaol of Lancaster.—*John Austin*, Blackburn, Lancashire, woollen sock dealer: in the Gaol of Lancaster.—*Richard Lolli*, Wigan, Lancashire, cabinet maker: in the Gaol of Lancaster.—*Thomas Bealey*, Tiverton, Devonshire, livery-stable keeper: in the Gaol of St. Thomas-the-Apostle.—*G. Piggin*, Great Yarmouth, Norfolk, retail dealer in ale: in the Gaol of Lancaster.—*Robert Tinker*, Manchester, out of business: in the Gaol of Lancaster.—*Andrew Cockshut*, Blackburn, Lancashire, provision dealer: in the Gaol of Lancaster.—*James Rogers*, Liverpool, out of business: in the Gaol of Lancaster.—*John Donagau*, Dartmoor Barracks, Devonshire, pensioner: in the Gaol of St. Thomas-the-Apostle.—*A. O. Luscombe*, Stonehouse, Devonshire, dealer in fruit: in the Gaol of St. Thomas-the-Apostle.—*John Rhodes*, Sherwood, Nottinghamshire, out of employ: in the Gaol of Nottingham.—*Wm. H. Podmore*, Balsall-heath, Worcestershire, out of business: in the Gaol of Worcester.

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*Nov. 7 at 10, before the CHIEF COMMISSIONER.*

*William Lellan*, Munster-street, Regent's-park, Middlesex, mining agent.

*Nov. 7 at 10, before Mr. Commissioner MURPHY.*

*Charles John Philip Howling*, Cowcross-street, Middlesex, grocer.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Kent, at MAIDSTONE, Nov. 7 at 12.*

*John Down*, Maidstone, brick merchant.—*F. W. Rooff*, Canterbury, out of business.

*At the County Court of Cornwall, at BODMIN, Nov. 8 at 10.*

*Charles Sanders*, Truro, innkeeper.

*At the County Court of Essex, at CHELMSFORD, Nov. 9 at 12.*

*Robert V. Moyses*, Stratford, out of business.—*W. Rayner* the younger, Halstead, blacksmith.

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# The Jurist

No. 930—VOL. XVIII. NOVEMBER 4, 1854.

PRICE 1s.

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LONDON, NOVEMBER 4, 1854.

THE writ of mandamus, which has been of so high a character as seldom to fall within the reach of her Majesty's subjects, promises all at once to become a very popular weapon in the hands of litigant parties. Proceedings with regard to the old prerogative writ are simplified by the Common-law Procedure Act, 1854: the rule for the issuing of the writ may be absolute in the first instance, the writ bear *teste* on the day of its issuing, and be returnable forthwith, in term or in vacation; and the provisions of the Procedure Acts, 1852 and 1854, are to apply, so far as they are applicable, to the pleadings and proceedings upon the writ. (Sects. 76, 77).

It is by means of a writ of mandamus also that the new jurisdiction conferred on common-law courts, for enforcing the specific performance of contracts, is to be exercised; and it is to this procedure that we are now about to call attention.

The language of the chief section on this subject is curious, but we believe was rendered so by late alterations made in the bill during its progress, and not by its original framers. Indeed, we may remark, with respect to the composition of the act of 1854, that it is deserving of much praise on account of its brevity and condensation. We doubt whether any statute working such great changes was ever expressed in such few words. The common effect of extreme brevity, namely, obscurity, will probably be found in some few of its sections; but taken as a whole, and without reference to some of the clumsy additions and omissions for which certain members of the Legislature are answerable, we consider it almost a model act.

To return to specific performance: it is enacted, that the plaintiff in any action in any of the superior courts, except replevin and ejectment, may indorse upon the writ and copy to be served a notice that he intends to claim a writ of mandamus, and may thereupon claim in the declaration, either together with any other demand which may now be enforced in such action, or separately, a writ of mandamus, commanding the defendant to *fulfil any duty* in the fulfilment of which the

plaintiff is *personally* interested. The declaration is to set forth *sufficient grounds* on which the claim is founded, and that the plaintiff is *personally interested* therein, and that he *sustains or may sustain damage* by the non-performance of such duty, and that performance has been *demand*ed by him, and refused or *neglected*. The pleadings and proceedings to be the same, and costs recoverable, as in an ordinary action for the recovery of damages. If judgment is given for the writ to issue, the Court may, besides issuing execution for costs and damages, also issue a peremptory writ of mandamus, to which no return but that of compliance shall be allowed. It may be enforced by attachment, and have the same effect as a peremptory writ of mandamus issued out of the Court of Queen's Bench. The Court may also order the act to be done by the plaintiff or some other person at the expense of the defendant. (Sects. 68—74).

It is to be observed, that the writ may be claimed in the Exchequer or Common Pleas as well as the Queen's Bench. The duty to be fulfilled means, we presume, a duty or obligation recognised at law, whether arising from a contract or from the relation of parties\*, and not a merely equitable duty. Suppose, for instance, an agreement to execute a lease; the claim may be for damages for breach of the agreement, and for a mandamus to compel the defendant to execute the lease. By some, we believe, it is considered that the words will not only include equitable duties, but even confer a larger jurisdiction than that which has been exercised in equity—e. g. the compelling an actor to perform†, or the enforcing a contract for the sale of good-will of a business. The plaintiff must be "*personally*" interested in the fulfilment of the duty—the word originally used was "*individually*." May parties suing *en autre droit*, or for injuries to *relative* rights, have a mandamus? How is the defendant to object that it is not a proper

\* This was, it seems, the intention of the Common-law Commissioners. (See Second Report, p. 39).

† See *Kemble v. Kean*, (6 Sim. 333). It is probably seen that Mademoiselle Rachel was by the French Court to perform a character without own request, or to pay heavy penalties.



case for specific performance? Can he do so before judgment has been obtained in the action? What effect will the claim for a mandamus have upon costs, where the other claim falls within the county court jurisdiction?

As to the awarding the peremptory writ, the Courts will doubtless exercise a discretion in the matter analogous to that exercised in equity, and will not therefore award it where the injury may be fully compensated for in damages, or where specific performance would be unduly oppressive.

In the absence of rules and forms on this subject, we may suggest the following indorsement on the writ and copy:—

"Take notice, that the said A. B. intends [also] to claim a writ of mandamus commanding the defendant to [accept from the plaintiff a lease of a house for twenty-one years, at the rent of 50*l.* per annum, pursuant to the defendant's agreement with the plaintiff, dated the — day of —, A.D. 1854.]"

The declaration may, it is submitted, be as follows:—

"[Venue], to wit.—A. B., by C. D. his attorney, sues E. F. For that by a certain agreement, made between the plaintiff and the defendant, it was agreed that the plaintiff should grant to the defendant, and that the defendant should accept, a lease of a house for twenty-one years, from the — day of —, A.D. 1854, at the yearly rent of 50*l.*; and it thereupon became the duty of the defendant to accept the said lease; and the plaintiff says that he has performed all things on his part to be performed, and that at the time of the commencement of this suit he was, and still is, personally interested in the fulfilment of the said duty by the defendant, and that the defendant has refused to fulfil the same, although the plaintiff demanded such fulfilment a reasonable time before the commencement of this suit, and that the plaintiff has sustained damage by reason of the defendant's non-fulfilment of such duty; and the plaintiff claims a writ of mandamus commanding the defendant to fulfil the said duty by accepting the said lease from the plaintiff."

### Rebibeis.

*The Parish: its Obligations and Powers; its Officers and their Duties; with Illustrations of the Practical Working of this Institution in all Secular Affairs.* By TOULMIN SMITH, Esq., of Lincoln's-inn, Barrister-at-Law. 12mo., pp. 624. [Sweet.]

(Continued from p. 401).

There is probably no part of this book which displays more learning and ability than the chapter (chap. vi) on "the position of the parson or minister in respect to the affairs of the parish." Mr. Toulmin Smith shews, by a minute and searching examination of the authorities, the illegality of the attempt to assume the parson or minister to be head of the parish and president of all parish meetings. He shews that parishes are a secular, not an ecclesiastical, division, and "were instituted for the ease and benefit of the people, and not of the parson." (Per Holt, C. J., 3 Salk. 85). He exposes the illegal attempts of Laud and others to render the body of the clergy a mere sort of state police, and the flagrant ignorance or contempt of the laws of England exhibited on various occasions by the Ecclesiastical Courts. He shews, that notwithstanding the attacks of

Laud on the English Constitution have been renewed even in the present day, and with a greater impunity than attended Laud's exertions, by such measures as the Churchwardens Election Bill, the device of the present Bishop of London, some of the greatest of English judges—Chief Justices Hale and Holt, and Lord Hardwicke—held, that of common right the choosing churchwardens belonged to the parishioners, though (in some parishes) the incumbent had got the power of electing one churchwarden by custom; that the claim of the minister to occupy the chair at vestry meetings, as well as to be head of the parish, is illegal, Lord Hardwicke saying, "I do not find any resolution, or even opinion, to give the vicar a right of presiding. There is, indeed, a notion that he has a right to preside, but that has taken its rise from special vestries. . . . We must resort to the common right, which is in the whole assembly, where all are [that is, before the people were robbed of their common-law right by Sturges Bourne's Act] upon an equal foot." (*Stoughton v. Reynolds*, Lee, t. Hardw. 276; Str. 1046). And Lee, J., saying, "The parson, perhaps, has a right of sitting [as a member of vestry] from his freehold in the church; but I do not think that can any way give him a greater right or authority than any of the other members of the assembly." (Per Lee, J., Fort. 172).

Beginning with the Year Books, in which there are several cases of the highest interest and value relating to parish government, but not one which affirms the right of the priest or minister to assume the headship of the parish, or to preside at parish meetings, or even to be considered an integral part of the parish, but where, on the contrary, all these modern assumptions are distinctly negatived, Mr. Toulmin Smith proceeds to shew that neither the *canons* nor the *statutes*, nor even the ecclesiastical writers themselves, give any countenance to these pretensions. Finally, he examines with great minuteness the case of *Wilson v. M'Math*, (1819), and shews that that case is not law, but that the judgment given by the Ecclesiastical Court in that case cannot fail to recall a passage in Ayliffe's *Parergon*, (p. 186), where he speaks of some who "sit as judges in our ecclesiastical courts, and determine law-suits, without any knowledge of the law."

One characteristic feature of this work is the consistency with which the relative importance of the common and statute law is throughout developed and insisted on, as well as the ignorance of the common law now often exhibited by the Legislature.

We are by no means unqualified admirers of the wisdom of Coke; yet he was not quite so great a fool as Bentham and some of his echos represent him as being. In the preface to the fourth part of his report, Coke says that the artist in law-making should set himself "to know the several kinds of the municipal laws of his own proper nation, for the innovation or change of some laws is most dangerous, and there is less peril in the alteration of others—to understand what the true sense and sentence of the laws now standing is, and how far forth former laws have made provision in the case that falleth into question."

The truth of the proposition which we have marked in italics we hardly think that any man, lawyer or non-lawyer, parliament man or non-parliament man, minister or minister's man, will be hardly enough to dispute. Another proposition, which may be open to more controversy, at least as to its exact limits, is, that a large proportion of the modern statute law is made without a competent knowledge, on the part of the framers of such law, "how far forth former laws have made provision in the case that falleth into question."

\* The Select Vestries Act, however, (59 Geo. 3, c. 12), expressly directs the majority to choose a chairman, though the minister is one of the select vestry.

There are statutes passed every session of Parliament, adding a yearly increase to that huge, confused, contradictory mass, of which no candid man even pretends to know the contents, some of them creating a vast machinery of functionaries, under the pretext of providing remedies for cases which the laws already in existence, and which had been in existence for hundreds of years, had made ample provision for.

Under such a system, is it surprising that the law should be uncertain, that it should be absolutely unknown even to lawyers, or that more doubts should arise upon the statute than upon the common law? We have on a former occasion cited Bacon's opinion to this effect. Coke's opinion agrees with it. He says, (Preface to 2 Rep.), "The greatest questions arise, not upon any of the rules of the common law, but oftentimes upon acts of Parliament overlaid with provisions and additions, and many times on a sudden penned or concocted by men of none or very little judgment in law." And also, "If acts of Parliament were after the old fashion penned, and by such only as perfectly knew what the common law was before the making of any act of Parliament concerning that matter, as also how far forth former statutes had provided remedy for former mischiefs and defects discovered by experience, then should very few questions in law arise, and the learned should not so often and so much perplex their heads to make atonement and peace, by construction of law, between insensible and disagreeing words, sentences, and provisions, as they now do."

Moreover, in our own time we find, even in official lawyers, ignorance of the real nature and extent of the common law of England as great as that of those who are content to accept Bentham's witticism\* as a variegated picture of the customs, the free and natural growth of the experience during many ages—more than a thousand years—of the most free and most practically sagacious race of men recorded in history. What has Prussia, what has France, what has Belgium got from her code, that they who live under the common law of England should exchange their common law, with all its defects, for a code manufactured even by the hands of such a philosopher as Bentham, after such models, or after others floating in the philosophic mind? Let it be a lesson of humility to the philosophic mind to reflect, that the principle of representative government, for want of which all the ancient experiments in government were failures, after escaping the inventive faculty of the greatest philosophers of antiquity, was discovered by a rude but practically sagacious baron of the dark ages. And there are many other parts of the common law of England which, though a man of wit, like Bentham, might see some ridiculous points in them, contain pieces of intellectual machinery surpassing in practical ingenuity the mightiest achievements of a Plato's or a Newton's thought. Land and Strafford entertained an intense hatred for the common law. They were never tired of abusing it, and they had cause. While it existed, neither ecclesiastical nor civil tyranny could have uncontrolled dominion in England. There are men in the present day with intentions as hostile to the common law, and for somewhat similar reasons, as Laud and Strafford, and whose pernicious designs demand as vigilant an attention from those who are opposed to all such designs.

For all these reasons, it appears to be of the first importance, that, by such means as have been indicated in former articles, the common law should, without further loss of time, be put into such a shape, that

\* "When a man has a dog to teach, he falls upon him and beats him; the animal takes note in his own mind of the circumstances in which he has been beaten, and the intimation thus received becomes, in the mind of the dog, a rule of the common law." (Bentham's Rationale of Judicial Evidence, vol. 2, p. 475).

lawyers at least may no longer have any excuse for being ignorant of its provisions.

In speaking of a bill introduced into Parliament in the session of 1854 by Mr. Evelyn, the member for West Surrey, declaratory of the power that has always been inherent in parish vestries to take measures for all things that are for the common good, Mr. Toulmin Smith has thus characterised the spirit and tone of its official opponent:—

"The official opponent of this bill shewed himself 'not only ignorant of, or resolved to treat with contempt, common-law and constitutional principle, but even ignorant who those are that attend and have votes at vestries. He insulted the common sense of his hearers and the public by talking of this bill 'giving powers to 'paupers,' and by ridiculing the idea 'of vestry-appointed bodies having a corporate capacity. Though Under-Secretary of State, he must be presumed to have been altogether unaware of the existence, or ignorant of the provisions, as already stated, 'of the Highway Act, the Lighting and Watching Act, Gilbert's Poor-law Act, the Burial Act of 1852, and many others, as well as even of the simplest rules 'of law as to the choice of churchwardens. He attempted, moreover, to represent that a committee appointed to do a specific work only, subject to rules to be laid down by vestry, and which committee cannot raise or spend a penny without the express consent of the vestry, has arbitrary powers. At the prospect of such powers he professed to look with horror. Let the Board of Health, or any other body of irresponsible functionaries, arbitrarily order and tax—he does but burn with zeal to enlarge their powers in that way. But for any parish to think of doing anything for itself, and of itself paying for it as it thinks right—this, indeed, is not to be endured.'" (P. 222).

### Court Papers.

#### EQUITY SITTINGS, MICHAELMAS TERM, 1854.

##### Court of Chancery.

Before the LORD CHANCELLOR, at Westminster.

Thursday.... Nov. 2 Appeal Motions and Appeals.

At Lincoln's Inn.

Friday..... 3 Petitions and Appeals.

Saturday..... 4

Monday..... 6

Tuesday..... 7

Wednesday..... 8

Thursday..... 9

Friday..... 10

Saturday..... 11

Monday..... 13

Tuesday..... 14

Wednesday..... 15

Thursday..... 16

Friday..... 17

Saturday..... 18

Monday..... 20

Tuesday..... 21

Wednesday..... 22

Thursday..... 23

Friday..... 24

Saturday..... 25

Petitions and Appeals.

Appeal Motions and Appeals.

Before the LORDS JUSTICES, at Westminster.

Thursday.... Nov. 2 Appeal Motions.

At Lincoln's Inn.

Friday..... 3

Saturday..... 4

Monday..... 6

Tuesday..... 7

Wednesday..... 8

Appeal Motions and Petitions in Lunacy and Bankruptcy.

Appeals.

Thursday .....	9	Appeal Motions and Appeals.
Friday .....	10	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday .....	11	Appeals.
Monday .....	13	
Tuesday .....	14	
Wednesday .....	15	Appeal Motions and Appeals.
Thursday .....	16	
Friday .....	17	
Saturday .....	18	Appeals.
Monday .....	20	
Tuesday .....	21	
Wednesday .....	22	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Thursday .....	23	
Friday .....	24	
Saturday .....	25	Appeal Motions.

*Before the Right Hon. the MASTER OF THE ROLLS, at Westminster.*

Thursday.... Nov. 2 Motions.

*At Chancery-lane.*

Friday .....	3	Petitions in General Paper.
Saturday .....	4	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Monday .....	6	
Tuesday .....	7	
Wednesday .....	8	Motions.
Thursday .....	9	
Friday .....	10	
Saturday .....	11	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Monday .....	13	
Tuesday .....	14	
Wednesday .....	15	Motions.
Thursday .....	16	
Friday .....	17	
Saturday .....	18	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Monday .....	20	
Tuesday .....	21	
Wednesday .....	22	Petitions in General Paper.
Thursday .....	23	
Friday .....	24	
Saturday .....	25	Motions.

N.B.—Short Causes, Short Claims, Consent Causes, Unopposed Petitions, and Claims, every Saturday at the sitting of the Court.

*Notice.*—Consent Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard.

*Before Vice-Chancellor Sir RICHARD T. KINDERSLEY, at Westminster.*

Thursday.... Nov. 2 Motions.

*At Lincoln's Inn.*

Friday .....	3	Petitions (unopposed first).
Saturday .....	4	Short Causes, Short Claims, & Causes.
Monday .....	6	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	7	
Wednesday .....	8	
Thursday .....	9	Motions.
Friday .....	10	Petitions (unopposed first).
Saturday .....	11	Short Causes, Short Claims, & Causes.
Monday .....	13	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	14	
Wednesday .....	15	
Thursday .....	16	Motions.
Friday .....	17	Petitions (unopposed first).
Saturday .....	18	Short Causes, Short Claims, & Causes.
Monday .....	20	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	21	
Wednesday .....	22	
Thursday .....	23	Short Causes, Short Claims, & Causes.
Friday .....	24	
Saturday .....	25	

N.B.—Unopposed Petitions, not exceeding ten, at the sitting of the Court, every day except Seal-days.

*Before Vice-Chancellor Sir J. STUART, at Westminster.*

Thursday.... Nov. 2 Motions.

*At Lincoln's Inn.*

Friday .....	3	Petitions and General Paper.
Saturday .....	4	Short Causes, Short Claims, & Causes.
Monday .....	6	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	7	
Wednesday .....	8	
Thursday .....	9	Motions and General Paper.
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Wednesday .....	22	
Thursday .....	23	Petitions and General Paper.
Friday .....	24	
Saturday .....	25	

*Before Vice-Chancellor Sir W. P. WOOD, at Westminster.*

Thursday.... Nov. 2 Motions.

*At Lincoln's Inn.*

Friday .....	3	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday .....	4	
Monday .....	6	
Tuesday .....	7	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday .....	8	
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Friday .....	24	Motions.
Saturday .....	25	

**EQUITY CAUSE LISTS, MICHAELMAS TERM, 1854.**

\*.\* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*Cl.* Claim—*C.* Costs—*D.* Demurrer—*E.* Exceptions—*F. D.* Further Directions—*M.* Motion—*P. C.* Pro Confesso—*Pl.* Plea—*Ptn.* Petition—*R.* Rehearing—*S. O.* Stand Over—*Sn.* Short.

**Court of Chancery.**

*Before the LORD CHANCELLOR.*

CAUSE.

Neale v. Farrer.

*Before the LORDS JUSTICES.*

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Attorney-Gen. v. Clapham		Lewis v. Clowes
Moss v. Bainbrigg		Lainson v. Lainson
Duncan v. Canman		Attorney-Gen. v. Mayor of
		Beverley
		Hart v. Clarke

Proctor v. Cooper  
Trevillion v. Mayor, &c. of  
Exeter  
Johnson v. Webster  
Lazonby v. Rawson  
Eads v. Williams  
Gibson v. Goldsmid  
Pomfret v. Perring  
Kane v. Reynolds  
Schrodor v. Schrodor  
Simpson v. Sadd  
Richards v. Curlewis  
Moos v. Bainbrigg  
Richardson v. Mann

Davies v. Harrison (Rehear.)  
Lockhart v. Reilly  
Reilly v. Lockhart }  
Coape v. Arnold }  
Arnold v. Coape }  
Barrow v. Williams  
Fearnhead v. Bullivant  
Goldsmith v. Russell  
Wiles v. Gresham  
Underwood v. Wing  
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Bennett v. Locking (M for de-  
cree)  
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Darwell v. Roper (M for dec.)  
Wallace v. Blackwell (Cause)  
Augin v. Eastern Union Rail-  
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Blake v. Gregson (Cause)  
Coombs v. Mansfield } (Ca.)  
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Lukey v. Higgs (Cl)  
Sutcliffe v. Crosse (M for dec.)  
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Yeates v. Roberts (M for dec.)  
Colvin v. Lord (Cause)  
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Upton v. Forster (Cause)  
Welton v. Cracknell (M for  
decree)  
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Gough v. Lewis }  
Sammers v. Sammers (Cl)  
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Twining v. Holmes }  
Torkington v. Bryant (M for  
decree)  
Creed v. Corner (M for dec.)  
Tomson v. Judge (Cause)  
Pennell v. Hume (Cause)  
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Moodie v. Bannister (Cause)  
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cree)  
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Greenwood v. Taylor (5) (E,  
F D, C)  
Thompson v. Jones (Cause)  
Hitchman v. Stewart } (Fur-  
Trail v. Stewart } cons.)  
Evans v. Kinsey (Cause)  
Shrapnell v. Shrapnell (F D,  
C)  
Bowles v. Field (Cause)  
Garner v. Moore (Cause)  
Bignell v. Rose (Special case)  
Boughen v. Farrer (Sp. case)  
Ramsden v. Hirst (M for dec.)  
De Lisle v. Sidney (M for de-  
cree)  
Harley v. Moon (Further con-  
sideration)  
Monro v. Proctor (F D, C)  
Poore v. Cullen (Further con-  
sideration)  
Rogers v. Dicks (M for dec.)

*Before the Right Hon. the MASTER OF THE ROLLS.*

Earl v. Ferris (D)  
CAUSES, &c.  
Wilson v. Harley (Cause, part  
heard) Mich. T.  
Lord Brougham v. Lord W.  
Powlett (Special case)  
Parkers v. Bloxam (M for dec.)  
Cotesworth v. Armstrong (M  
for decree)  
Field v. Moore (M for decree)  
Smith v. Brown (Cause)  
Kearley v. Kearley (Cl)  
Gray v. Haig } (E, 2 sets,  
Haig v. Gray } F D, C)  
De Trafford v. Tempest (Cau.)  
Farrington v. Fenn (Cause)  
Lyddon v. Harrison (M for  
decree)  
Capel v. Shrapnell (M for dec.)  
Gwynne v. Gell (Cause)  
Gwynne v. Clutton (Cause)  
Bentley v. Oldfield (Sp. case)  
Att.-Gen. v. Peacock (M for  
decree)  
Weston v. Harrison (Cause)  
Meek v. Ridler (Cause)  
Walmesley v. Foxhall (Cause)  
Bailey v. Hughes (Cause)  
Cankreen v. Vandervin (M for  
decree)  
Lloyd v. Cocker (M for dec.)  
Green v. Dunn (M for decree)  
Oyler v. Blackwell (M for dec.)  
Hammond v. Hammond (Sp.  
case)  
Gibson v. Seagrim (M for dec.)  
Whitfield v. Bowyer } (M for  
Whitfield v. Sturgis } decree)  
Hele v. Bexley (7) (F D, C)  
Beaumont v. Marquis of Salis-  
bury (Cause)  
Castle v. Castle (Further con.)  
Cave v. Cave (M for decree)  
Westhall v. Bannister (Further  
consideration)  
Byam v. Byam (Cause)  
Howell v. Kightley (Cl)  
Meeds v. Wood (M for decree)

Rabbeth v. Squire (Further  
consideration)  
Dean v. Thwaite (M for dec.)  
Williams v. Hayward (Cl)  
Mair v. Topham (Further con-  
sideration)  
Baxendale v. Seale (M for dec.)  
Bunting v. Marriott (Further  
consideration)  
Douthwaite v. Spensley (Fur-  
ther consideration)  
Rudge v. Winnall (4) (F D, C)  
Tuer v. Turner (Further con.)  
Langman v. Heard (Further  
consideration)  
Lewis v. Morris (Further con-  
sideration)  
Morton v. Bradbury (M for  
decree)  
Cunningham v. Willoughby  
(Cl)  
Hindle v. Nicholson (4) (F D,  
C)  
Penhall v. Allen (Further con-  
sideration)  
Stanton v. Gent (Further con-  
sideration)  
Price v. Jackson (M for dec.)  
Ridgway v. Clare (E)  
Greenalade v. Dare (Cause)  
Barry v. Barry (Further con.)  
Williams v. Cliff (Cl)  
Amson v. Harris (Further con-  
sideration)  
Crowe v. Crisford (Further  
consideration)  
Kebble v. Samms (3) (F D, C)  
Hardman v. Earle (Cause)  
Webster v. White (M for dec.)  
Calley v. Richards (F D, C)  
Hood v. Clapham (M for dec.)  
Stranger v. Wilkin (M for de-  
cree)  
Spittle v. Luckcock (M for  
decree)  
Worraker v. Smith (M for de-  
cree)  
Gregg v. Coates (Cl).

*Before Vice-Chancellor Sir J. STUART.*

PLEAS, DEMURRERS, CAUSES, &c.

*Before Vice-Chancellor Sir*  
Hill v. Great Northern Rail-  
way Co. (D)  
CAUSES, &c.  
Dormer v. Phillips (Cl, part  
heard)  
Wynch v. Grant } (F D, C,  
Wynch v. Grant } part heard)  
Lord v. Colvin (Cause) 2nd  
C D  
Way v. Way (Cause)  
Barron v. Barron (M for dec.)  
Etches v. Etches (M for dec.)  
Martin v. Simpson (Cause)

RICHARD T. KINDERSLEY.  
Corporation of Basingstoke v.  
Bolton (Cause)  
Abberley v. Sherwin (Cause)  
Bridger v. Blake } (Cause)  
Bridger v. Blake }  
Attenborough v. Edwards  
(Cause)  
Bush v. Peterson (Cause)  
Gillingham v. Baker (Cause)  
Stobart v. Todd (Cause)  
Phillips v. Powell (M for dec.)  
Thompson v. Beasley (Cl)  
Dewell v. Tufnell (Cause)

White v. Self (Cl)  
Williams v. Williams (E, F D,  
C)  
Tottenham v. Emmett (Cause  
at request of defendant)  
Smith v. Farr (8) (F D, C,  
Ptn)  
Lucas v. Farr (M for dec.)  
Morison v. Morison (12) (E,  
Ptn)  
Chapman v. Great Northern  
Railway Co. (F D, C)  
Fremont v. Hoffman (Cause)  
Morgan v. Mason (Cause)  
Hammerton v. Milnes (M for  
decree)  
Meynell v. Surtees (2) (Cause)  
Russell v. Lieveley (Cause)  
Watson v. Powell (M for dec.)  
Thompson v. Clarke (M for  
decree)  
Offen v. Beeve (E, F D, C)  
Timms v. Watson (Further  
consideration)  
Edwards v. Cocker (Cl)  
Calf v. Rolfe (M for decree)  
Goold v. Playsted (Cause)  
Edmed v. Aspden (M for de-  
cree)  
Hoddell v. Watkins (Cause)  
Butlin v. Groom (Cause)

Lancellat v. Ballachy (M for  
decree)  
Field v. Cary (Cause)  
Paul v. Cockeram (Cause)  
Wedge v. Earl of Aylesford  
(Cause)  
Drew v. Drew (M for decree)  
Barford v. Barford (Cl)  
Houghton v. Lees (Cause)  
Archbell v. Chadwick (Cl)  
Goode v. Hollier (Cause)  
Jones v. Humphreys (Cause)  
Macgregor v. Hughes (Cause)  
Williams v. Earl of Abingdon  
(M for decree)  
Marshall v. Marshall (Further  
consideration)  
Hart v. Tulk (5) (F D, C)  
Stamp v. Edmonds (Cause)  
Raby v. Ridehalgh (5) (Fur-  
ther consideration)  
Maitland v. Baker (Sp. case)  
Reany v. Heathcote (Cl)  
Toft v. Stephenson } (Further  
Graham v. Reeves } consid.)  
Baker v. Bradley (Cause)  
Strong v. Strong (F D, C)  
Fisk v. Wiggins (Cause)  
Cooper v. Cooper (Further  
consideration)  
Adams v. Andrews (Cause)

Whitbread v. Lyall (M for decree)  
 Hichens v. Kelly (Cause)  
 Jones v. Fox (M for decree)  
 Williams v. Hodgson (M for decree)  
 Paxton v. Newton (Cl)  
 Cole v. Eaton (Further cons.)  
 Woodgate v. Archer Burton  
 Woodgate v. Archer Burton }  
 (E, F D, C)  
 Herring v. Miles (Cause)  
 Baker v. Hardley (2) (Further consideration)  
 Hart v. Stride (Further cons.)  
 Booth v. Marsden (Further consideration)  
 Broughton v. Broughton (6) (E)  
 Gore v. Bowser (3) (E, F D, C)

Edwards v. Tate (3) (F D, C)  
 Smyth v. Burd (Cl)  
 Munk v. Cole (F D, C)  
 Salter v. Adey (Cause)  
 Davey v. Harrison (2) (F D, C)  
 Johnson v. Bennett (F D, C)  
 Lomax v. Ripley (2) (Cause)  
 Lee v. Browne (F D, C)  
 Henbrough v. Atkinson (M for decree)  
 Bethell v. Stocks (Cause)  
 Wheatley v. Purser (Further consideration)  
 Wickenden v. Rayson (Further consideration)  
 Goff v. Walters (M for decree)  
 Lea v. Grundy } (Subsequent F D, C)  
 Lea v. Cook }  
 Spearman v. Harting (Cl)  
 Briery v. Furnival (M for decree)

Poole v. Poole (M for decree)  
 Penfold v. Crossland (Cl)  
 Shaw v. Neale (Cause)  
 Powell v. South Wales Railway Co. (E, F D, C)  
 Gibbons v. Gibbons (2) (F D, C)  
 Re Irvine } (Fur. cons.  
 Irvine v. Irwine } from cham.)  
 Harford v. Lloyd (Cause)  
 Jones v. Jones (2) (Further consideration)  
 Southam v. Breakwell (M for decree)  
 Winch v. Winch (Further consideration)  
 Child v. Child (Cause)  
 Jefferies v. Mitchell (Cause)  
 Bell v. Whitbourn (M for decree)  
 Hardy v. Guyler (F D, C) SA  
 Austin v. Rickwood (Cl)  
 Wigan v. Rowland (Further consideration)  
 Derrick v. Derrick (F D, C)

Hollingsworth v. Woodhead (Cause)  
 Pullen v. Fairthorne (M for decree)  
 Rogers v. Rogers (Cause)  
 Powell v. Griffiths (2) (F D, C)  
 Caledonian Railway Co. v. Woodrow (Cause)  
 Hills v. Busby (Further cons.)  
 Thorp v. Thorp (Cause)  
 Hilbert v. Balchin (Further consideration)  
 Lane v. Niblett (Further consideration)  
 Hepburn v. Palmer (3) (Further consideration)  
 Arkell v. Henly (Cause)  
 Henly v. Henly (Cause)  
 Capell v. Hyatt (Cause)  
 Davies v. Hallett (M for dec.)  
 Nickels v. Hancock (M for decree)  
 Bewley v. Nikels (M for dec.)  
 Bensley v. Riches (M for dec.)  
 Hames v. Hollier (Cause)

*Before Vice-Chancellor Sir W. P. Wood.*

**PLEAS, DEMURRERS, &c.**  
 Humphrey v. Stevens (E to answer)  
 South Wales Railway Co. v. Wykes (D)  
 South Wales Railway Co. v. Tredwell (D)  
 Gould v. Tanner (Pl)

**CAUSES, &c.**  
 Walters v. Northern Coal Co. (Cause)  
 Bankart v. Grafton (E)  
 Spickernell v. Hotham (E, F D, C) *After Term*  
 Wilkinson v. Harvey (Cause)  
 Vince v. Walsh (Cause)  
 Crewdson v. Milne (M for decree)  
 Read v. Prest (Cause)  
 Taubman v. Hall (Cause)  
 Incorporated Society for promoting the Building of Churches, &c. v. Coles (Cause)  
 Lancashire Insurance Co. v. Reddish (Cause)  
 Greenwood v. Verdon (Special case)  
 Hillman v. Westwood (Special case)  
 Crosley v. Harwood (6) (F D, C)  
 Davidson v. Greaves (Cause)  
 Bassano v. Bassano (Sp. case)  
 Gilman v. Tucker (Sp. case)  
 Malden v. Maine (Cause)  
 Tee v. Ferris (Cause)  
 Capel v. Westminster Improvement Commissioners (Cause)  
 Gregory v. Taylor (Cause)  
 Hawkins v. Batchelor (M for decree)  
 Brett v. Lethbridge (Sp. case)  
 Hamson v. Olivo (M for dec.)  
 Graham v. Guthrie (Cause)  
*After Term*  
 Gray v. Smith (2) (Cause)  
*After Term*  
 Pearce v. Beanland (M for decree)  
 Law v. London Indisputable Life Policy Co. (M for dec.)  
 Band v. Randle (Cause)  
 Attenborough v. Attenborough (Cl)

Sands v. Handley (Cl)  
 Mills v. Birch (M for decree)  
 Ramage v. Biddulph (Cause)  
 Baker v. Armitage (M for decree)  
 Scott v. Boutley (M for decree)  
 Thompson v. Wedlake (Cause)  
 Alderson v. Dalton (Cause)  
 Eversfield v. Tisdell (M for decree)  
 Lawrie v. Banks (M for dec.)  
 Watson v. Freeman (M for decree)  
 Woodhouse v. Herrick (Special case)  
 Wale v. Rackstraw (Cause)  
 Allport v. Stephens (Cause)  
 Cropper v. Babb (Cause)  
 Chappell v. Atkinson (M for decree)  
 Bullock v. Bennett (Sp. case)  
 Garington v. Barker (M for decree)  
 Waugh v. Waddell (Cause)  
 Horsfield v. Ashton (F D, C)  
 Att.-Gen. v. Queen Elizabeth's College (Cause)  
 Partridge v. Ives (M for dec.)  
 Williams v. Williams (Cl)  
 Lady Glamis v. Cumberland (Cause)  
 Symes v. Magnay (M for dec.)  
 Watson v. Cleaver (M for dec.)  
 Bryan v. Wastell } (Cause)  
 Bryan v. Gurney }  
 Lee v. Head (Special case)  
 Warwick v. Richards (Cause)  
 Wilkes v. Swann (Cl)  
 Desborough v. Harris (Cause)  
 Wynne v. Ogilvie (M for dec.)  
 Phipps v. Kelson (Cl)  
 Pilkington v. Belton (M for decree)  
 Jebb v. Tugwell (M for dec.)  
 Elam v. Stead (M for decree)  
 Coates v. Lloyd (M for decree)  
 Brady v. Morgan (M for dec.)  
 Wilkin v. Nainby (F D, C)  
 Beere v. Beere (Cause)  
 Turnley v. Biron (M for dec.)  
 James v. Harding (M for dec.)  
 Maddock v. Aked (M for dec.)  
 Robinson v. Anderson (Cause)  
 Leppington v. Hunter (M for decree) SA  
 Goodlad v. Burnett (Further consideration)

**COMMON-LAW SITTINGS, IN AND AFTER MICHAELMAS TERM, 1854.**

**Court of Queen's Bench.**

*In Term.*

**MIDDLESEX.**

1st sitting .. Friday .. Nov. 3  
 2nd sitting .. Wednesday .. 15  
 3rd sitting .. Thursday ... 23  
 For undefended causes only.

**LONDON.**

1st sitting, Monday, Nov. 13  
 2nd sitting, Monday .... 20

*After Term.*

Monday ..... Nov. 27 | Saturday ..... Dec. 9

The Court will sit at ten o'clock every day.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

**Court of Common Pleas.**

*In Term.*

**MIDDLESEX.**

Thursday ..... Nov. 9  
 Thursday ..... 16

**LONDON.**

Monday ..... Nov. 13  
 Monday ..... 20

*After Term.*

Monday ..... Nov. 27 | Saturday ..... Dec. 9

The Court will sit during and after term at ten o'clock.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

**Exchequer of Pleas.**

*In Term.*

**MIDDLESEX.**

1st sitting, Friday ... Nov. 3  
 2nd sitting, Wednesday .. 15  
 3rd sitting, Thursday .... 23

**LONDON.**

1st sitting, Monday, Nov. 13  
 2nd sitting, Monday ..... 20

*After Term.*

Monday ..... Nov. 27 | Saturday ..... Dec. 9

The Court will sit during and after term at ten o'clock.

The Court will sit in Middlesex, at Nisi Prius, in term, by adjournment from day to day, until the causes entered for the respective Middlesex Sittings are disposed of.

## COMMON-LAW CAUSE LISTS, MICHAELMAS TERM, 1854.

## Court of Queen's Bench.

## NEW TRIALS

REMAINING UNDETERMINED AT THE END OF THE SITTINGS AFTER TRINITY TERM, 1854.

## FOR ARGUMENT.

HILARY TERM, 1854.

Lond.—Nicoll v. Oliver } Stand over till the case of *Mitcherson v. Oliver* (in error) is disposed of.  
 „ Hill v. Oliver }  
 „ Brodie v. Oliver }

## SPECIAL CASES AND DEMURRERS

FOR MICHAELMAS TERM, 1854.

Those marked thus \* are Special Cases, and thus † Demurrers.

## FOR ARGUMENT.

†Owens v. Wynne & an.	†Willins & Wife v. Smith
†Hughes v. Wynne & an.	†Humphreys v. Royston
†James v. Wynne & an.	†Vidi v. Smith & an.
†R. Roberts v. Wynne & an.	†Hartlaub v. Thorp & ora.
†E. Roberts v. Wynne & an.	†Tindall & ora. v. Taylor
*Bostock v. North Staffordshire Railway Co.	†Gibson v. Great Northern Railway Co.
†Mayor, &c. of Norwich v. Norfolk Railway Co.	†Alcennis v. Nygren
*Voller v. Carter	†Dunbar v. Smurthwaite
	†Hunt v. Hunter & an.

## ENLARGED RULES

FOR MICHAELMAS TERM, 1854.

## First Day.

Mackenzie v. Sligo and Shannon Railway Co.  
 Reg. v. Lord of the Manor of Hendon  
 Same v. Same

Reg. v. Alleyne & 2 ora.  
 Same v. Luckett

## Fifth Day.

Same v. Inhabitants of Eardisland.

## CROWN PAPER, MICHAELMAS TERM, 1854.

Cornwall . . . .	Reg. v. Churchwardens, &c. of Wendron.
London . . . . .	Moss.
Hampshire . . . .	Jaques.
Cambridge . . . .	Purchase & the Philosophical Society.
Glamorganshire . .	South Wales Railway Co.
Cumberland . . . .	Hutchinson.
Gloucestershire . .	Bedwell.

## Court of Common Pleas.

## NEW TRIAL.

HILARY TERM, 1854.

Middlesex—Allsop v. Brittain.

## ENLARGED RULES.

## First Day.

Wood v. Governor and Co. of Copper Miners in England  
 In re Vann  
 Simmons v. Mack

## Second Day.

In re Behrend v. Bremer

Until after Actions in Q. B.

Dawson v. Williams.

## DEMURRER PAPER.

Thursday, Nov. 9.

Deacon v. Gridley  
 Stafford v. Wollaston  
 Chilton v. Carrington

Campanan v. Woodburn  
 Smith v. Humble

Monday, Nov. 13.

Haddon v. Lott  
 Mays v. Carmell.

## CUR. ADV. VULT.

Lewis v. Clifton      Jay v. Halksworth      In re Ollerton.

## Court of Exchequer.

SITTINGS—MICHAELMAS TERM, 1854.

## Days in Term.

## Banc.

Thursday . . . .	Nov. 2	Motions and Peremptory Paper.
Friday . . . . .	3	Errors, Peremptory Paper, & Motions.
Saturday . . . . .	4	.....
Monday . . . . .	6	.....
Tuesday . . . . .	7	.....
Wednesday . . . .	8	Special Paper.
Thursday . . . . .	9	Lord Mayor sworn.
Friday . . . . .	10	.....
Saturday . . . . .	11	Crown Cases.
Monday . . . . .	13	Special Paper.
Tuesday . . . . .	14	.....
Wednesday . . . .	15	Special Paper.
Thursday . . . . .	16	.....
Friday . . . . .	17	.....
Saturday . . . . .	18	.....
Monday . . . . .	20	Special Paper.
Tuesday . . . . .	21	.....
Wednesday . . . .	22	.....
Thursday . . . . .	23	.....
Friday . . . . .	24	.....
Saturday . . . . .	25	.....

## Days in Term.

## Nisi Prius.

Friday . . . . .	Nov. 3	Middlesex first Sitting.
Monday . . . . .	13	London first Sitting.
Wednesday . . . .	15	Middlesex second Sitting.
Monday . . . . .	20	London second Sitting.
Thursday . . . . .	23	Middlesex third Sitting.

## NEW TRIALS.

## FOR JUDGMENT.

Moved Easter Term, 1853.

Lond.—Lawes v. Bachelor

„ Same v. Same

Moved Hilary Term, 1854.

Lond.—Evans v. Elsom

„ Gibson v. Sturge

FOR ARGUMENT.

Moved Hilary Term, 1854.

Midd.—Morewood v. Tupper.

## PEREMPTORY PAPER.

To be called on the first Day of Term after the Motions, and to be proceeded with the next Day, if necessary, before the Motions.

Allen v. Preece (To set aside verdict for plaintiff, and to enter the same for the defendant).

## SPECIAL PAPER.

## FOR ARGUMENT.

Kilderbee v. Ambrose (Part heard)

Heald v. Kenworthy (Part hd.)

Swatman v. Ambler

Broadwood v. Granara.

## PUBLIC GENERAL STATUTES.

17 &amp; 18 VICTORIE.—SESSION 2.

(Continued from p. 403).

## CAP. CVII.

An Act to amend the Laws relating to the Militia, and for raising a Volunteer Militia Force, in Ireland.

[11th August, 1854.]

## CAP. CVIII.

An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.

[11th August, 1854.]

Sect. 1. Meetings relating to the militia of the United Kingdom and ballots for such militia suspended.

2. Proceedings may be had during such suspension by Order in Council.

3. Saving for certain meetings relating to the militia.

## CAP. CIX.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain

Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons' Mates, and Sergeant-Majors of the Militia; and to authorise the Employment of the Non-commissioned Officers.

[11th August, 1854.]

Sect. 1. Secretary-at-War to issue the money required for pay of regular militia. Rates of pay. Rates of pay when absent on furlough. Clothing. Contingent fund.

2. Adjutant, &c. to reside where the Secretary-at-War shall appoint.

3. Adjutants and non-commissioned officers of militia may be employed in their counties.

4. Adjutant to have charge of the arms and clothing, and to issue the money for contingent expenses on an order signed by the colonel. Balance to form a stock purse.

5. In absence of the adjutant, the sergeants to be under the command of the sergeant-major.

6. Militia when called out for training or exercise entitled to pay.

7. Volunteers attached to regiments of the line to be subject to the Mutiny Act.

8. Allowances to certain subalterns and surgeons' mates and assistant surgeons. Rank of certain officers.

9. A declaration to be taken to entitle officers, &c. to such allowances. Form of declaration.

10. Secretary-at-War may place certain officers unfit for duty upon a retired allowance, upon making the following declaration. Form of declaration.

11. Allowances to officers reduced in 1829.

12. A declaration to be taken by officers claiming the said allowances. Form of declaration.

13. Out-pension to reduced non-commissioned officers and drummers not to be received while serving.

14. Subalterns, mates, &c. to attend the exercise, &c. Commanding officers may grant leave of absence.

15. If the regiment be not called out before the time fixed for the payment, the allowance shall be paid, on making the declaration, without certificate of attendance.

16. Allowances to be paid quarterly.

17. On neglect of attendance, subalterns, &c. shall forfeit allowance.

18. Allowance not to be paid while the militia embodied.

19. Act not to give right to allowances on future disembodiment.

20. Persons on half-pay, or entitled to allowance as having served in the army or navy, empowered to receive pay, &c. during training.

21. Adjutants, &c., non-commissioned officers, or privates, not to lose their right to Chelsea or Kilmainham pensions, &c.

22. Allowance to be made for medicines.

23. Adjutants appointed before the 24th December, 1814, entitled to receive, after a service of twenty years, if unfit for further service, an allowance of 8s. per day, provided they do not hold certain other appointments. Adjutants appointed since the 24th December, 1814, entitled to receive, after thirty years' service, &c., an allowance of 6s. per day. Right to half-pay reserved. Certain terms extended to adjutants in cases of long and meritorious services.

24. Allowances to adjutants, surgeons, and quartermasters.

25. Reduced adjutants to receive 4s. per day till the 31st July, 1855. Right to half-pay reserved.

26. Adjutants and sergeant-majors entitled to allowance under the 39 & 40 Geo. 3, c. 44.

27. Allowances granted to adjutants who have been appointed since the 24th December, 1814, &c., on completion of certain periods of service. No adjutant whose commission bears date between the 24th December, 1814, and the 9th July, 1823, excluded. Right to half-pay and pension reserved.

28. Reduced adjutants may take such allowance with any pay or other allowance under the 39 & 40 Geo. 3, c. 44, and the 26 Geo. 3, c. 107. Proviso.

29. Restrictions as to allowances to reduced adjutants of the local militia.

30. Allowance to clerks of general meetings, &c.

31. Manner of granting allowances. Clerks, &c. to make declaration of the justness of their accounts.

32. Deputy lieutenants may require the attendance of any surgeon residing near the place of meeting for appeals. Declaration to be made by surgeon. Allowance to surgeon.

33. Pay, &c. to be issued under directions of the Secretary-at-War.

34. Bills drawn for pay, &c. may be on unstamped paper.

35. No fee to be taken.

36. All things in this act relating to counties shall extend to ridings, shires, &c.

37. Continuance of act.

#### CAP. CX.

An Act to provide for the Repayment of Monies advanced from the Exchequer to the County of Mayo for Public Purposes. [11th August, 1854.]

#### CAP. CXI.

An Act to continue and amend the Metropolitan Sewers Acts. [11th August, 1854.]

Sect. 1. Metropolitan Sewers Acts continued till the 31st August, 1855.

2. Pending vacancy in office, or during absence of chairman or deputy chairman, commissioners present to appoint a person to preside at court.

3. Limit of amount to be borrowed on security of rate, 600,000*l*.

4. No priority amongst mortgagees or annuitants, except with respect to existing charges.

5. Securities to continue valid notwithstanding the expiration of the act or the discontinuance of the commission.

6. Quarter sessions of the metropolitan counties to levy rates required for such securities.

7. Separate districts may be formed for sewerage purposes of places where no sewers rate at present raised.

8. Inhabitants to elect sewerage board of such districts.

9. Mode of elections.

10. Qualification of members.

11. Members of sewerage board to continue in office till the 31st August, 1855.

12. Surveyor to be appointed.

13. Power of sewerage board to make rates, &c.

14. This act incorporated with the 11 & 12 Vict. c. 112.

15. Saving as to certain provisions of the 12 & 13 Vict. c. 93, and the 16 & 17 Vict. c. 125.

#### CAP. CXII.

An Act to afford greater Facilities for the Establishment of Institutions for the Promotion of Literature and Science and the Fine Arts, and to provide for their better Regulation. [11th August, 1854.]

#### CAP. CXIII.

An Act to amend the Law relating to the Administration of the Estates of deceased Persons. [11th August, 1854.]

Sect. 1. *Heir or Devisee of Real Estate not to claim Payment of Mortgage out of Personal Assets. Not to affect Rights claimed under any Will, &c. before the 1st January, 1855.*

##### 2. *Extent of Act.*

Whereas it is expedient that the law whereunder the real and personal assets of deceased persons are administered should be amended: be it enacted, &c. as follows:—

Sect. 1. When any person shall, after the 31st December, 1854, die seized of or entitled to any estate or interest in any land or other hereditaments which shall at the time of his death be charged with the payment of any sum or sums of money by way of mortgage, and such person shall not, by his will or deed or other document, have signified any contrary or other intention, the heir or devisee to whom such land or hereditaments shall descend or be devised shall not be entitled to have the mortgage debt discharged or satisfied out of the personal estate or any other real estate of such person, but the land or hereditaments so charged shall, as between the different persons claiming through or under the deceased person, be primarily liable to the payment of all mortgage debts with which the same shall be charged, every part thereof, according to its value, bearing a proportionate part of the mortgage debts charged on the whole thereof: provided always, that nothing herein contained shall affect or diminish any right of the mortgagee on such lands or hereditaments to obtain full payment or satisfaction of his mortgage debt either out of the personal estate of the person so dying as aforesaid or otherwise: provided also, that nothing herein contained shall affect the rights of any person claiming under or by virtue of



any will, deed, or document already made or to be made before the 1st January, 1855.

2. This act shall not extend to Scotland.

#### CAP. CXIV.

An Act to extend the Rights enjoyed by the Graduates of the Universities of Oxford and Cambridge in respect to the Practice of Physic to the Graduates of the University of London. [11th August, 1854.]

#### CAP. CXV.

An Act to amend the Law relative to the Removal of Prisoners in Custody. [11th August, 1854.]

Sect. 1. If common gaol be adapted for reception of debtors as a class, they may be removed thereto.

2. No such removal to take place till after certificate by inspector of prisons.

3. After such removal debtors may be sent to such gaol.

4. Where governor of common gaol appointed by other authority than sheriff, it shall be lawful for him to give security.

5. Sheriff not relieved from present obligations.

6. Present powers for disposing of unnecessary prisons not disturbed.

7. Allowances to keepers of gaols to be continued where superseded by this act.

#### CAP. CXVI.

An Act to continue and amend an Act to facilitate the Management and Improvement of Episcopal and Capitular Estates in England. [11th August, 1854.]

#### CAP. CXVII.

An Act to facilitate the Sale and Transfer of Incumbered Estates in the West Indies. [11th August, 1854.]

#### Preliminary.

Sect. 1. *Short Title of Act.*

2. *Act how to come into Operation.*

3. *Interpretation of certain Terms in this Act.*

*Constitution and Powers of Commissioners.*

4. *Three Commissioners to be appointed under Sign-manual.*

5. *Style of Commissioners.*

6. *Residence of Commissioners.*

7. *Power to appoint Local Commissioners.*

8. *Commissioners to have a common Seal.*

9. *Power to appoint and remove Secretary, Clerks, &c.*

10. *Duration of Office and Powers of Commissioners.*

11. *Commissioners incapable of sitting in Parliament.*

12. *Salaries of Commissioners, &c., and out of what Funds paid.*

13. *Power of Commissioners to fix Scale of Fees.*

14. *Expenses of Act, how provided for.*

15. *Oath of Commissioners.*

16. *Publication of Appointment of Commissioners.*

17. *Commissioners to be a Court of Record.*

18. *Powers of Commissioners, by whom to be exercised.*

19. *Commissioners to frame and promulgate Forms of Application, &c.*

20. *Commissioners to make General Rules for regulating Proceedings under this Act.*

21. *Rules to be laid before Privy Council.*

22. *Power to Commissioners to summon Witnesses, &c.*

23. *Power to Commissioners to proceed upon Affidavits, and to appoint Persons to take Affidavits and Examinations.*

24. *Power of Commissioners to direct Trials and Issues of Fact.*

25. *Power of Commissioners to enforce Orders.*

*Sales by Commissioners, and Distribution of Purchase Monies.*

26. *Power of Commissioners to sell Land in Colonies, upon Application of the Incumbrancer.*

27. *No Application to be entertained unless Costs of any previous Application paid.*

28. *Application to be made by legal or beneficial Owners.*

29. *When Incumbrance subject to Limitations, the first Person entitled &c. to make Application.*

30. *Form of Application, and to whom to be made.*

31. *Duty of Commissioners on Application for Sale.*

32. *Restrictions on Sale.*

33. *Regard to be had to yearly Tenancies and other temporary Interests.*

34. *Power to sell, subject to annual Sums, and also to Incumbrances, in certain Cases.*

35. *Sale by Commissioners.*

36. *Saving of certain Rights.*

37. *Payment of Purchase Money.*

38. *Effect of Conveyance.*

39. *Commissioners may order Delivery of Counterparts of Deeds, &c., and Possession, to Purchaser.*

40. *Where an Incumbrancer purchases, Commissioners may authorise Payment into the Bank of Balance of Purchase Money, after retaining Amount of Incumbrance.*

41. *Application of Purchase Money.*

42. *Application of Money where Owner not absolutely entitled.*

43. *Appointment of new Trustees.*

44. *Provision where a Part only of Land subject to an Incumbrance is sold.*

45. *Provision for setting aside Monies to meet Incumbrances.*

46. *No Payment, not being in full, to affect Right of Incumbrancer for Balance, and no Payment in respect of any Incumbrance to impair Remedy over.*

47. *Purchase Money may be invested.*

48. *Power to Commissioners to order Money to be paid into Court of Chancery.*

49. *Lands included in different Applications and different Interests in the same Land may be included in the same Sale.*

50. *Provision for Persons under Disability.*

51. *Proceedings not to abate by Death, &c.*

52. *Costs.*

53. *Sales under this Act may be made notwithstanding Proceedings in any other Court.*

54. *After Order by Commissioners for Sale, Proceedings for a Sale under Decree to be stayed, and no Suit, &c. to be commenced, without Leave of Commissioners, pending Proceedings under this Act.*

*Powers of Commissioners as to Partition, Exchange, Division, and Allotment.*

55. *On Application for Sale of an undivided Share, or after Sale, Commissioners may, on Application of Party interested, and giving Notices and hearing Parties, make Order for Partition.*

56. *On Application for Sale or after Sale, Commissioners, on Application of Party interested, and with Consent, may make Order for Exchange.*

57. *Partition may be made of Land where Shares are not subject to be sold under this Act.*

58. *Exchanges may be made of Lands not subject to be sold under this Act.*

59. *Division of intermixed Lands not subject to be sold under this Act.*

60. *Notices of Partitions, Exchanges, and Divisions to be given.*

*Conveyances and Proceedings of Commissioners.*

61. *Conveyance, Assignment, and Orders for Partition, Exchange, or Division and Allotment, conclusive.*

62. *Proceedings before Commissioners not to be restrained by Injunction, &c.*

63. *Commissioners not to be liable in respect of Acts done bona fide.*

64. *Penalty for false swearing.*

*Appeal.*

65. *Orders may be reviewed by Commissioners; and Appeal to Privy Council.*

*Power to alter Provisions of Act.*

66. *Power of Commissioners to make Alterations.*

67. *Orders to be submitted to Legislature of Colony, and confirmed by Queen in Council.*

68. *Order may be altered.*

69. *Act how to come into Operation.*

Whereas it is expedient that facilities should be given for the sale and transfer of incumbered estates in the several

West Indian colonies mentioned in the schedule hereto : be it enacted &c. as follows :—

*Preliminary.*

Sect. 1. This act may for all purposes be cited as "The West Indian Incumbered Estates Act, 1854."

2. This act shall not take effect until her Majesty has, by Order in Council, to be made as hereinafter mentioned, directed the same to come into operation in one or more of the said scheduled colonies.

3. In the construction and for the purposes of this act the following terms shall have the respective meanings hereinafter assigned to them ; that is to say,

"Land" shall extend to sugar and other plantations, messuages, tenements, and hereditaments, corporeal and incorporeal, of every tenure or description, and shall include and denote that estate or interest in any hereditaments which any person applying for a sale is possessed of, is entitled to, or has any mortgage, charge, or incumbrance upon :

"Incumbrance" shall mean any debt, portion, legacy, or other sum of money constituting a charge or lien on land, or raiseable out of land :

"Incumbrancer" shall mean any person entitled to such incumbrance, or entitled to require the payment or discharge thereof :

"Possession" shall include the receipt of the rents and profits :

"Owner" shall mean any person entitled in possession to land, or the receipt of the rents and profits thereof, or who would be so entitled if there were no incumbrances on such land, for a term of not less than thirty years unexpired, or for an estate or interest for his own life, or for an estate or interest determinable on the dropping of any other life or lives, or for any greater estate or interest :

"Person and owner" shall extend to a body politic or corporate, as well as to an individual :

"Commissioners" shall mean the persons appointed commissioners for the sale of incumbered estates in the West Indies, as hereinafter mentioned.

*Constitution and Powers of Commissioners.*

4. It shall be lawful for the Commissioners of her Majesty's Treasury for the time being to appoint any number of persons, not exceeding three, to be commissioners under this act during her Majesty's pleasure, and upon every vacancy in the office of any such commissioner in like manner to appoint some other person to such office ; and the said persons so to be from time to time appointed shall be commissioners for the execution of this act, and shall be styled "The Commissioners for Sale of Incumbered Estates in the West Indies."

5. Of the above commissioners, one shall be styled "The Chief Commissioner," and the other or others shall be styled "The Assistant Commissioner or Commissioners."

6. The chief commissioner shall be a barrister-at-law of not less than ten years' standing, and shall reside in England ; the assistant commissioners shall from time to time be employed in the execution of this act in such manner as the chief commissioner may direct.

7. For the purpose of aiding in the execution of this act, the governor or other person administering the government of any colony may appoint to be local commissioners for such colony during pleasure any number, not exceeding three, of the following persons ; that is to say,

Any vice-chancellor, chief justice, judge, attorney-general, solicitor-general, or other legal or public officer holding any office in the colony in which such appointment is made ; or

Any other person usually resident in such colony.

8. The commissioners shall cause to be made for their commission such seal or seals as they may require, and shall cause to be sealed with one of such seals all orders, conveyances, and other instruments proceeding from the commissioners in pursuance of this act ; and all such orders, conveyances, and other instruments, or copies thereof, purporting to be sealed with such seal of the commissioners, shall be received in evidence without any further proof.

9. The Commissioners of her Majesty's Treasury may from time to time appoint and remove a chief secretary, and also such assistant secretaries, clerks, messengers, and officers as they may deem necessary for the purposes of this act.

10. The offices of the commissioners, and all powers, rights, and privileges pertaining thereto, shall continue and be in force only for a period of six years next ensuing the date at which this act takes effect, and from thenceforth until the next session of Parliament.

11. No commissioner shall during his continuance in office be capable of being elected or of sitting as a member of the House of Commons.

12. There shall be paid out of monies to be provided by Parliament,

To the chief commissioner, two assistant commissioners, chief secretary, and to all such assistant secretaries, clerks, messengers, and officers as may be appointed by the chief commissioner in England, such salaries as the Commissioners of her Majesty's Treasury may from time to time recommend, so that the same do not exceed in the following cases the sums hereinafter mentioned ; that is to say,

In the case of the chief commissioner, the sum of 2000*l.* by the year :

In the case of each assistant commissioner, the sum of 1500*l.* by the year.

The salaries of the local commissioners, and of all such assistant secretaries, clerks, messengers, and officers as may be appointed under this act in any colony, shall be paid out of monies to be provided by the colonies, as hereinafter mentioned.

13. The commissioners may fix such scale of fees to be paid in respect of proceedings under this act, both in England and the colonies, as they think fit, but all fees to be paid in any colony shall be subject to disallowance or alteration by the Legislature of such colony.

14. All expenses incidental to carrying this act into execution, and not being such salaries as aforesaid, or defrayed by fees, shall be paid for, if incurred in England, out of monies to be provided for that purpose by Parliament, and if incurred in any colony, by monies to be provided for that purpose by the Legislature of such colony in manner hereinafter mentioned.

15. Every commissioner and local commissioner appointed under this act shall, before he enters upon the execution of his office, take the following oath ; that is to say,

"I, A. B., do swear that I will faithfully, impartially, and honestly, according to the best of my skill and judgment, fulfil all the powers and duties of a commissioner under an act passed in the ——— year of the reign of Queen Victoria, intitled [*here set forth the title of this act.*]"

And such oath shall, in the case of the chief commissioner and assistant commissioners, be taken before one of the judges of her Majesty's superior courts in England, and in the case of any local commissioner, be taken before the judge of the supreme court of the colony for which he is appointed commissioner.

16. The appointment of every commissioner and local commissioner shall be published as follows ; that is to say,

The appointment of the chief commissioner and assistant commissioners, in the London Gazette :

The appointment of any local commissioner, in the newspaper of the colony in which Government notices are usually published :

and no commissioner or local commissioner shall act until publication as aforesaid has been made of his appointment.

17. The commissioners shall constitute one court of record, having, for the purposes of this act, and subject to the provisions thereof, jurisdiction throughout England and any colony or colonies within which this act comes into operation ; and all proceedings, inquiries, suits, or trials to be taken, made, or had under this act, and all investigations of any matters or things arising out of or incidental to any such proceedings, inquiries, suits, or trials, may, subject to the provisions hereinafter contained, be at any stage or at any time transferred from England to any colony, or from any colony to England.

18. All acts, matters, and things which the commissioners are by this act empowered to do, and all the powers and authorities hereby given to them, may, under any order of the commissioners made for that purpose, be done or exercised by the person or persons hereinafter mentioned ; that is to say,

In England, by the chief commissioner, either alone or with one assistant commissioner :

In any colony, by any assistant commissioner, either alone or jointly with the local commissioners of such colony, or any one of them, or by the local commissioners or commissioner of such colony, or any two of them, if more than two.

19. The commissioners shall frame, and cause to be printed and circulated, or otherwise promulgated, as they see occasion, forms of application and directions indicating the particulars of the information to be furnished to the commissioners when any application is made to them under this act, with reference to title, incumbrances, and the circumstances of land, and such other information as in the judgment of the commissioners may assist them in forming an opinion on such application, and also such other forms and directions as the commissioners may deem requisite or expedient for facilitating proceedings under this act.

20. The commissioners shall, having regard to the laws and usages of each colony in which the same are intended to take effect, frame rules for the following purposes; that is to say,

For regulating the course of procedure under this act; the several powers and duties of the assistant and local commissioners; the conduct of proceedings in England and the colonies; and the transfer thereof from England to the colonies, and from the colonies to England;

For securing the prompt and due distribution and payment of the monies received upon sales under this act amongst or for the benefit of the persons entitled thereto;

For the protection, in respect of such monies, of the interests of persons under disability, and of future interests: For the protection of the interests of absent parties, and of the interest of parties in cases where the proceedings are transferred from England to the colonies, or vice versa:

Generally for the due execution of the powers vested in the commissioners under this act, and for giving effect to the provisions and objects thereof:

and all rules so made shall, unless disallowed in manner hereinafter mentioned, have the same force as if they had been enacted by Parliament.

21. All rules made under the above authority shall be laid before her Majesty in Council, and it shall be lawful for her Majesty by Order in Council to disallow the same, and any rule so disallowed shall from the date of its disallowance be void, but all matters and things previously done in pursuance thereof shall have the same validity as if no such disallowance had taken place.

22. The commissioners shall have power—

1. To require, by summons under their seal, the attendance before them, at a time and place to be mentioned in such summons, of all such persons as they may think fit to examine in relation to any question or matter depending before them:

2. To require, by a like summons, all such persons to produce before them all deeds, books, papers, documents, and writings relating to such question or matter:

3. To examine upon oath, or, in the case of persons allowed to make affirmation or declaration in lieu of an oath, upon affirmation or declaration, (as the case may require), all persons attending under such summons, and all persons attending voluntarily as witnesses.

23. The commissioners may, in their discretion, receive in evidence affidavits; and such affidavits may be made in any part of her Majesty's dominions before any person empowered by law to take affidavits, and in any other part of the world before any person authorised by order under the seal of the commissioners to take affidavits; and the commissioners may by a like order under their seal authorise any person in any part of the world to examine, in such manner as they think fit, any witness or witnesses in relation to any application to or matter pending before the commissioners, and to administer oaths, affirmations, or declarations for the purpose of such examination.

24. The commissioners, in relation to any matter or question before them, shall have power—

To send cases for the opinion of any court of law or equity sitting in England or in any colony within their jurisdiction:

To send questions of fact to be tried in England by a jury, or in any such colony as aforesaid either by a jury or in any other manner in which questions of fact are usually tried in such colony.

25. In all cases within their jurisdiction, the commissioners shall, with respect to the following matters, that is to say, The enforcing the attendance of persons summoned to give evidence,

The enforcing the production of deeds, books, papers, documents, and writings,

The punishing persons refusing to give evidence, or guilty of a contempt,

The enforcing any order whatever made by them under any of the powers or authorities of this act,

have in England all such powers, rights, and privileges as are possessed by the High Court of Chancery for such or the like purposes in relation to any matter depending in such court, and have in any colony within their jurisdiction all such powers, rights, and privileges as are possessed by the supreme court of judicature in such colony for such or the like purposes in relation to any matter or thing depending in such court; and it shall be lawful for the commissioners in any such colony as aforesaid either to carry into effect such powers, rights, and privileges by officers appointed by themselves, or to request any such court of judicature as aforesaid, or any officer thereof, to enforce any orders made by them, and such court or officer shall thereupon enforce the same accordingly.

#### *Sales by Commissioners, and Distribution of Purchase Monies.*

26. Subject to the restrictions hereinafter mentioned, where any land situate in a colony within the jurisdiction of the commissioners is subject to any incumbrance, the commissioners shall have power to sell the same, or such part thereof as they think fit, upon application made to them in manner hereinafter mentioned by the owner of such land or any incumbrancer thereon.

27. Where an application for a sale of any such land as aforesaid has been made to any competent tribunal in the colony, and dismissed with costs, no application by the same party for a sale of the same land, or any part thereof, shall be entertained by the commissioners unless it is shewn that such costs have been paid.

28. Where any such land as aforesaid is vested in any person or persons in trust for any owner, an application for the sale thereof may be made by such owner, either with or without the concurrence of such trustee or trustees, or by such trustee or trustees with the concurrence of such owner.

29. Where any incumbrance is vested in a trustee or trustees, or settled on divers persons in succession, the commissioners may act on an application made by such trustee or trustees, or by the first person entitled to the income of such incumbrance, or by any other person having, in the opinion of the commissioners, an amount of interest in the incumbrance sufficient to justify his making an application for a sale.

30. Every application for a sale of land under this act shall be in such form as the commissioners direct, and may, subject to any rules to be framed by the commissioners, be made, at the discretion of the applicant, either to the commissioners acting in England, or in the colony in which such land is situate.

31. The commissioners shall, upon the receipt of such application as aforesaid, make such inquiries as to the circumstances of the land in respect of which the same is made, and of the parties interested therein, either as incumbrancers, owners, or otherwise, and direct such notices to be given, as they think necessary to enable them to form a judgment as to the expediency of a sale, and shall hear, by themselves, their counsel or agents, any persons interested in such land who may apply to them to be heard, and shall, upon the conclusion of such inquiries, and after hearing such parties, if any, as aforesaid, make such order in the premises as to the allowance or disallowance of a sale of such land as they think just.

32. No sale shall be made by the commissioners of any land in the cases following:—

Where the amount of yearly interest on the incumbrances attaching to the land in respect of which any application is made, and to any other land subject to the same incumbrances, does not exceed one-half of the net yearly value of such land and other land, if any, such yearly value to be calculated on the average profits or income derived therefrom after deducting all necessary outgoings during the preceding seven years, or during such other period as the commissioners may, having regard to any special circumstances, think fit:

Where, for any reason whatever, it appears to the commissioners unjust or inexpedient that a sale should be made.

33. In making any sale of land under this act, the commissioners shall have regard to the interests of any yearly tenants or other persons, not being incumbrancers, who may be entitled for the time being, by themselves or their agents, to receive

or retain the produce of such land, or of any part thereof, and they may, in their discretion, deal with such interests in such one of the two following ways as they think just; that is to say, they may either make the sale subject to such interests, or may cause such interests to be valued at a gross amount, and treat the amount so valued as an incumbrance, assigning thereto such priority as they think fit.

34. In cases where any land to be sold is subject—

To dower or any interests in the nature of dower,

To any annual or contingent incumbrance,

To any incumbrance under the terms of which the incumbrancer cannot be required to accept payment of the principal money for a term of years yet to come, the commissioners shall deal with such interests in one of the two following ways; that is to say, they shall either make the sale subject to such dower, interests, or incumbrances, or they may, with the consent of the parties entitled to such dower, interests, or incumbrances, cause the same to be valued at a gross amount, assigning thereto such priority as they think just.

35. Every sale of land in pursuance of this act shall be made, under the control and direction of the commissioners, by public sale or private contract, together or in parcels, at such time and place, and generally in such manner, as the commissioners think fit; and every conveyance of land so sold shall be made by the commissioners under their seal, and shall be signed by the chief commissioner, or such other commissioner or commissioners as the chief commissioner may direct, and the execution by any other party of such conveyance shall be unnecessary; and such conveyance shall express the interests and incumbrances (if any) subject to which the sale is made, and may be in such form as the commissioners may, by order, from time to time direct, or as near thereto as circumstances permit.

36. No sale made by the commissioners shall affect any of the following rights or payments:

Any right of common, right of way, or other easement;

Any tithes or like ecclesiastical dues;

Any Crown rents or other like sums payable at fixed periods to her Majesty or to the government of the colony; except in cases where the commissioners undertake to commute such Crown rents or other like sums as aforesaid, which they shall be at liberty to do, with the sanction of the Legislature of such colony, in cases where they think it will be for the benefit of the parties interested in the produce of such sale; and if they do so, they shall express in the conveyance that the land sold is discharged from such Crown rents or other sums, as the case may be.

37. The purchase money on every sale shall be paid, as the commissioners may direct, either into the Bank of England, or into the commissariat chest of some colony named by them, and be carried to an account to be opened in the name of the commissioners to the credit in each case of the land, (describing the same by the name of the plantation or estate to which it belongs, or by any other name the commissioners think fit); and upon proof being made to the satisfaction of the commissioners, and in such manner as they may direct, of any monies so having been paid in, the chief commissioner, or such other commissioner or commissioners as the chief commissioner directs, shall indorse a certificate on the conveyance of such payment; and any purchaser who has paid any money into the Bank or into such commissariat chest as aforesaid shall be discharged from all liability in respect of the application thereof, and such indorsement shall be evidence of such payment; and in all cases her Majesty's Government shall guarantee the safety of all monies paid in pursuance of this act into the commissariat chest of any colony.

38. Every conveyance made by the commissioners in pursuance of this act shall vest in the purchaser the land so sold, subject to such rights and uncommuted payments, if any, as are hereinbefore declared not to be affected by any sale by the commissioners, but discharged from all other interests, rights, claims, and incumbrances, except such as may, in pursuance of the power hereinbefore given, be expressed in the conveyance to be subsisting on such land, and no conveyance made by the commissioners shall be set aside on the ground of their not having had jurisdiction over the subject-matter thereof.

39. The commissioners shall have power to order the delivery to the purchaser, or as he directs, of all deeds and documents of title belonging or exclusively relating to the land sold, which are in the possession or power of any of the parties to

their order, and, on the application of any purchaser, to issue an order for the delivery to him of the possession of the land sold, or of such part thereof as may not be in the occupation of any person subject to whose interest the sale was made.

40. Upon a sale of land under this act an incumbrancer or other interested person, (with the exception of the person upon whose application the sale was made), and with the leave of the commissioners such last-mentioned person, may purchase such land or any part thereof; and if an incumbrancer becomes a purchaser, he may, if the commissioners think fit, retain out of the purchase money such amount as would, in the judgment of the commissioners, be eventually payable thereout to him in respect of his incumbrance, or any less sum on account of such amount, and pay the residue only into the Bank or commissariat chest; and such retainer shall be without prejudice to the power of the commissioners to require such purchaser to pay back into the Bank or commissariat chest the whole or any part of the amount so retained by him, in the event of their afterwards determining that he is not entitled to retain the same.

41. The commissioners shall apply the money arising from any sale made by them in satisfaction of the payments herein-after mentioned according to the order following; that is to say,

Firstly, in paying to her Majesty or the government of the colony the consideration for the purchase of such Crown rents or other like sums, if any, as the commissioners may have thought fit to commute in manner aforesaid:

Secondly, in paying all costs, charges, and expenses of and incidental to the sale, including the application for the same, or such of them as they think fit to allow:

Thirdly, in satisfying the incumbrances affecting such land according to their priorities:

And, lastly, in paying the surplus to the parties who were previously to the sale entitled to such land as owners, if such parties had an absolute interest therein, but if they had not an absolute interest, then the commissioners shall lay out the same in manner hereinafter mentioned:

and for the purposes of this act the commissioners shall have power, having due regard to the laws and customs of each colony, to declare the rights and priorities of all parties interested in such land, whether as owners, incumbrancers, or otherwise howsoever.

42. In cases where the parties, who were previously to the sale entitled to such land as owners, had not an absolute interest, such surplus as aforesaid of the purchase money shall be settled to the same uses, upon the same trusts, and in the same manner to and in which the land sold stood settled, or such of them as may be capable of taking effect; and until such money is so laid out, it may be paid to trustees to be appointed or approved by the commissioners, for the purpose of being so laid out as aforesaid, with such power for the investment thereof in government or colonial stocks, funds, or securities in the meantime, and such directions for the payment of the income of such investment in the manner in which the rents of the land to be purchased would be applicable, as the commissioners think fit.

43. In cases where the commissioners appoint or direct the appointment of trustees for any of the purposes of this act, it shall be lawful for the commissioners to make or to direct to be made such provision as they think fit for the appointment of new trustees, on any event to be determined by the commissioners.

44. In cases where a part only of land subject to any incumbrance is sold, the commissioners may charge the part not sold with such incumbrance, or an apportioned part thereof, in exoneration of the money arising from the sale, and enable persons to release the money arising from the part so sold from any incumbrance, or to relinquish their claim on such money in respect thereof, without impairing such incumbrance as to the remaining part of the land originally charged.

45. In cases where it appears to the commissioners unjust or inexpedient that a valuation should be made of such interests and incumbrances as they are hereinbefore authorised to cause to be valued at a gross sum, it shall be lawful for them to set aside and invest any portion of the money arising from any sale in such manner as they think fit, to meet the claims of any such interested persons or incumbrancers, and generally the commissioners shall have power to make all such orders and give such directions, with respect to the application of the money arising from any sale, as they think best adapted to secure the just and convenient distribution thereof amongst all interested parties, according to their several rights and titles.

46. No payment under this act towards the discharge of any incumbrance, not being a payment in full, shall prejudice or affect any right or remedy of the incumbrancer in respect of the balance, otherwise than as against the land sold; and no payment under this act in respect of any incumbrance shall impair any right or equity of any persons out of whose land such payment is made to be reimbursed or indemnified by any other person or out of any other land, except so far as the commissioners order under any special circumstances.

47. The commissioners may order any purchase money standing to their account to be invested in their name in such government or colonial stocks, funds, and securities as they think fit, with power to vary the same into or for others of a like nature; and until such stocks, funds, and securities are sold by order of the commissioners for the purposes of this act, the dividends thereof shall from time to time be applied, under the order of the commissioners, in like manner as the rents of the land from the sale of which the money invested in such stocks, funds, or securities has arisen would have been applicable.

48. In cases where any money arising from a sale under this act is not immediately distributable, or the parties entitled thereto cannot be ascertained, or where from any other cause the commissioners think it expedient for the protection of the rights and interests therein, the commissioners may order such money, or any stocks, funds, or securities in which the same may be invested, to be transferred to the account of the Accountant-General of the High Court of Chancery in England, in the matter of the parties interested in the same, to be described in such manner as the commissioners direct, in trust to attend the orders of such court, or to be transferred to the account of such officer in any colony, and be subject to the jurisdiction of such court, as the commissioners direct; and the commissioners may by their order declare the trusts affecting such money, stocks, funds, or securities, so far as they have ascertained the same, or state (for the information of any such court as aforesaid) the facts or matters found by them in relation to the rights and interests therein; and the said Court of Chancery and any such colonial court as aforesaid may make such orders with respect to any such monies, stocks, funds, or securities as aforesaid, or the application thereof, as the circumstances of the case require.

49. The commissioners shall have the following additional powers in respect of sales of land; that is to say,

Where separate applications are made for sales under this act of different undivided shares of any land,

A power, with the consent of the applicants, and such other consents as the commissioners think fit to require, to include in one sale all such undivided shares:

Where separate applications are made for sales under this act of different lands, but such lands are intermixed, or otherwise adapted to be sold together,

A power, with such consent or consents as aforesaid, to include in one sale such different lands:

Where an application is made to the commissioners for the sale of any undivided share in lands, and the owner of any other undivided share or shares, whether incumbered or not, in the same land, is desirous of having the same sold at the same time,

A power, with such consent or consents as aforesaid, to include in one sale all such shares as aforesaid:

and all the provisions of this act applicable to any land subject to any incumbrance, and ordered to be sold under this act, and to the purchase money arising from the sale thereof, and to the conveyance thereof, shall, so far as circumstances admit, be applicable to any land or share in land to be so included in the sale; and in every such case as aforesaid the commissioners shall apportion the purchase money and expenses as they see fit.

50. A married woman for the time being entitled to receive the income of land for her separate use, or having a power of disposing of land either during her lifetime or by will, shall, for the purposes of this act, be deemed a feme sole; but in other cases, where any person, who (if not under disability) might have made any application, given any consent, done any act, or been party to any proceeding under this act, is a minor, idiot, lunatic, or married woman, the guardian, curator, tutor, committee of the estate, or husband respectively of such person, or, if there is none, any person appointed by the commissioners, may make such applications, give such consents, do such acts, and be party to such proceedings as such persons

respectively, if free from disability, might have made, given, done, or been party to, and shall otherwise represent such persons for the purposes of this act.

51. Proceedings under this act shall not abate or be suspended by any death or transmission or change of interest, but in any such case of death or transmission or change of interest it shall be lawful for the commissioners, where they see fit, to require notices to be given to persons becoming interested, or to make any order for discontinuing, suspending, or carrying on the proceedings, or otherwise in relation thereto, which to them appears just.

52. In every proceeding under this act the commissioners shall have full discretion as to the giving or withholding costs and expenses, and as to the persons by whom and the funds out of which the same are in the first instance or ultimately to be paid and borne; but, unless the commissioners otherwise direct, the costs of the petitioner in respect of any petition for sale presented under this act, and of the proceedings thereunder, shall not be payable out of the proceeds of the sale, otherwise than in the same order of priority in which the incumbrance of the petitioner is payable.

53. In cases where a competent Court has, in the course of any proceedings, made an order directing any land to be sold, the commissioners may sell the same, without further inquiry; but in that event, and also in any case where any competent Court has made an order in any proceedings with respect to any land, or the rights of any person interested therein, the commissioners shall, on selling such land, and in distributing the monies arising from such sale, have regard to the orders made by such Court, and to any inquiries or proof made and taken in the course of such proceedings, with power, nevertheless, for the commissioners, whenever it appears to them that there is any error in such order, or any defect in any such inquiries or proofs, to direct such person as they think fit to apply to the Court in relation thereto, and such Court may make such order concerning the matter of such application as it thinks fit; and the commissioners may, out of any monies arising from any sale under this act, where there have been any such proceedings as aforesaid, provide for the costs of such application, and may, if they think fit, order all or any part of the purchase money, after payment thereof of such costs and expenses as may be payable under the orders of the commissioners, to be paid into the court in which any such proceedings have been instituted.

54. Where the commissioners order the sale of any land in respect of which any decree for sale has been already made by a competent Court, or any proceedings are pending, they shall, by certificate under their seal, notify to such Court the order so made by them, and all proceedings for or in relation to a sale under the decree of such Court shall be suspended; and upon the completion of the sale, under such order of the commissioners, any receiver appointed by such Court shall cease to act as such receiver with respect to the land or part thereof sold; and pending any proceedings for a sale under this act, it shall not be lawful for any owner, incumbrancer, or other person interested in such land to commence any proceedings at law or in equity for redemption, foreclosure, or sale.

#### *Powers of Commissioners as to Partition, Exchange, Division, and Allotment.*

55. Where an application is made for a sale under this act of an undivided share of any land, or where any such undivided share has been sold under this act, and either before or after the conveyance thereof, the commissioners, on the application of any party interested in such undivided share, or of the purchaser, as the case may be, and after causing to be given such notices to the owner or owners of the other undivided share or shares of the same land as they think fit, and hearing all such parties interested in the respective shares as may apply to them, and making such inquiries as may enable them to make a just partition, may, if they think fit, make an order for the partition of such land; and in such order, or in a map or plan annexed thereto, shall be shewn the part allotted in severalty in respect of each of the undivided shares in such land; and the part so allotted in severalty in respect of each such undivided share shall, without any conveyance or other assurance, enure to the same uses and trusts, and be subject to the same conditions, charges, and incumbrances, as the undivided share in respect of which the same is so allotted would have enured or been subject to in case such order had not been made.

56. Where an application is made for a sale under this act

of any land, or where the same has been sold under this act, if, either before or after the conveyance thereof, application is made to the commissioners by any party interested in such land, or by the purchaser, (as the case may be), for the exchange of all or any part of such land, the commissioners may make such inquiries as they think fit, for the purpose of ascertaining whether such exchange would be beneficial to the persons interested in the respective lands, and cause such notices to be given to parties interested in the respective lands as they may think fit; and if, after making such inquiries, and hearing all such parties interested in the respective lands as may apply to them, the commissioners are of opinion that such exchange would be beneficial, and that the terms therefore are just and reasonable, they may make an order for such exchange accordingly; and in such order for exchange, or in a map or plan annexed thereto, shall be shewn the lands given and taken in exchange respectively under such order; and the land taken upon such exchange under such order shall, without any conveyance or other assurance, enure to the same uses and trusts, and be subject to the same conditions, charges, and incumbrances, as the land given on such exchange would have enured or been subject to in case such order had not been made.

57. It shall be lawful for the commissioners, in any colony within which this act may take effect, upon the application of the owners of any undivided shares, (not subject to be sold under this act, or as to which no proceedings for a sale under this act are pending), to make such inquiries as the commissioners think fit, for ascertaining whether a partition would be beneficial to the persons interested in such respective shares; and in case the commissioners are of opinion that the proposed partition would be beneficial, and that the terms thereof are just and reasonable, they shall make an order under their seal for such partition accordingly; and in such order, or in a map or plan annexed thereto, shall be shewn the part allotted in severalty in respect of each such undivided share; and the part so allotted in severalty in respect of each such undivided share by such order of partition shall, without any conveyance or other assurance, enure to the same uses, and be subject to the same conditions, charges, and incumbrances, as the undivided share in respect of which the same is so allotted would have enured or been subject to in case such order had not been made.

58. It shall be lawful for the commissioners, in any colony within which this act may take effect, upon the application of the owners of lands in any of the said colonies not subject to be sold under this act, or as to which no proceedings for a sale under this act are pending, to make or cause to be made such inquiries as the commissioners may think fit, for ascertaining whether an exchange would be beneficial to the persons interested in the respective lands; and in case the commissioners are of opinion that the proposed exchange would be beneficial, and that the terms thereof are just and reasonable, they shall make an order under their seal for such exchange accordingly; and in such order for exchange, or in a map or plan annexed thereto, shall be shewn the lands given and taken in exchange respectively under such order; and the land taken upon such exchange under such order shall, without any conveyance or other assurance, enure to the same uses and trusts, and be subject to the same conditions, charges, and incumbrances, as the land given upon such exchange would have enured or been subject to in case such order had not been made.

59. It shall be lawful for the commissioners, in any colony within which this act may take effect, upon the application of any number of persons who are separately owners of parcels of land not subject to be sold under this act, or as to which no proceedings for a sale under this act are pending, and which are so intermixed, or divided into parcels of inconvenient form or quantity, that the same cannot be cultivated or occupied to the best advantage, to make such inquiries as the commissioners think fit, for ascertaining whether a division would be beneficial to the persons interested in such lands; and in case the commissioners are of opinion that a division would be beneficial, they shall make an order for the division thereof accordingly, with a map or plan thereunto annexed, in which shall be specified as well the parcels in which the several persons on whose application such order has been made were respectively interested before such division, as the several parcels allotted to them respectively by such order; and the parcels of land taken under such division shall enure to the same uses and trusts, and be subject to the same conditions, charges, and in-

cumbrances, as the several lands which the persons taking the same have relinquished on such division would have enured or been subject to in case such order had not been made.

60. In the case of land in respect of which no proceedings for a sale under this act may be pending, no such order of partition, exchange, or division as aforesaid shall be made by the commissioners until such notices by advertisement in such public newspaper or newspapers as the commissioners direct have been given of such proposed partition, exchange, or division, and three months have elapsed from the publication of the last of such advertisements; and if before the expiration of such three months any person entitled to any estate in, or any incumbrance upon, any land included in such proposed partition, exchange, or division, gives notice in writing to the commissioners of his dissent from such proposed partition, exchange, or division, the commissioners shall not make an order for the same unless such dissent is withdrawn, or it is shewn to the commissioners that the estate or incumbrance of the party so dissenting has ceased, or that such estate or incumbrance is not an estate or incumbrance in respect of which he is legally entitled to prevent such partition, exchange, or division; but no such order as aforesaid shall be in anywise liable to be impeached by reason of any infirmity of estate or defect of title of the persons on whose application the same has been made.

#### *Conveyances and Proceedings of Commissioners.*

61. Every conveyance executed as required by this act, and every order for partition, exchange, or division made by the commissioners under their seal, shall for all purposes be conclusive evidence that every application, proceeding, consent, and act whatsoever which ought to have been made, given, and done previously to the execution of such conveyance, or the making of such order respectively, has been made, given, and done by the persons authorised to make, give, and do the same; and no such conveyance or order shall be impeached by reason of any informality therein.

62. The commissioners shall not be subject to be restrained in the execution of their powers under this act, nor shall any person be restrained from making application under this act to the commissioners, or doing any other act or giving any consent under the provisions of this act, by order of any court of justice, or by any other legal process, nor shall the commissioners be required by writ of mandamus, or any writ of a like nature, to do any act or take any proceeding under this act, nor shall proceedings before them be removeable by certiorari or other writ of a like nature.

63. The commissioners shall not, nor shall any person acting under their authority, be liable to any action, suit, or proceeding for or in respect of any act or matter bona fide done or omitted in the exercise or supposed exercise of the powers of this act.

64. Every person who, upon examination before the commissioners or any of them, or any person appointed and authorised under this act by the commissioners to administer any oath, affirmation, or declaration, shall wilfully give false evidence, and every person who shall wilfully swear, affirm, or declare falsely in any affidavit authorised under this act to be received in evidence by the commissioners, shall be liable to the pains and penalties of perjury.

#### *Appeal.*

65. The commissioners may review, rescind, or vary any order previously made by them; and it shall be lawful for any person aggrieved by any order of the commissioners, with their sanction, but not otherwise, to appeal to her Majesty in Council, in such manner, within such time, and subject to such rules, regulations, and limitations as her Majesty may by Order in Council prescribe; and the commissioners may, in their discretion, give or refuse such sanction, and annex thereto such conditions, as to giving security or otherwise, as they shall think fit; but in all cases where the commissioners refuse their sanction to any appeal their decision shall be final.

#### *Power to alter Provisions of Act.*

66. Wherever it appears to the commissioners that by reason of the prevalence in any colony of laws or customs differing from those of England, or that by reason of any other matter or thing whatsoever it is expedient, with the view of carrying into execution the purposes of this act,

That there should be substituted for the provisions of this

act or any of them other like provisions accommodated to be laws or customs of such colony; or That further provisions should be made for carrying into execution in such colony the orders of the commissioners; for reconciling any conflict between the laws of England and such colony; for declaring the law with respect to any matter or thing; or otherwise for more effectually bringing this act into operation within any colony, or carrying into effect the purposes thereof; it shall be lawful for the commissioners, having due regard to the interests of owners, incumbents, and others, and to the laws and customs of the colony, by order under their seal to make any such substitutions or provisions as aforesaid, subject to the restrictions following, namely, that such substitutions or provisions shall not be repugnant to the spirit of this act or to the general law of England, and shall not affect the constitution of the commissioners as established by this act; but no such order shall be of any force till the same has been confirmed by order of her Majesty in Council in manner herein-after mentioned.

67. Before any such order shall be capable of confirmation, it shall for the space of thirty days be submitted to the Legislature of the colony within which the same is intended to operate; and if such Legislature, within such period as aforesaid, express by resolution their disapproval thereof, such order shall thereupon be void to all intents; but if the Legislature, within the said period, express by resolution their approval thereof, or come to no resolution in respect thereof, the same shall thereupon be presented to her Majesty for confirmation, and, if so confirmed, shall, as soon as conveniently may be, be proclaimed in the colony, and upon such proclamation being made shall have the same force within such colony as if the same had been enacted by authority of Parliament.

68. Any order so confirmed as aforesaid may from time to time be rescinded, amended, or altered, as occasion may require, by other orders, to be made by the commissioners, and to be submitted to the Legislature of the colony, and confirmed in like manner.

69. Her Majesty may from time to time, by Order in Council, direct this act to come into operation in any of the said scheduled colonies, and thereupon, but not otherwise, the same shall have the force of law in such colony or colonies named in any such order; but no such Order in Council shall be made in respect of any colony until the Legislature of such colony has presented an address to her Majesty, praying her Majesty to issue such order, and has also, to the satisfaction of her Majesty's principal Secretary of State for the Colonies, made provision for the payment of the salaries of the local commissioners, and of all such assistant secretaries, clerks, messengers, and officers as may be appointed under this act in such colony, and of such other expenses of carrying this act into execution as are hereinbefore directed to be provided for by the Legislature of the colony.

#### SCHEDULE.

Jamaica.	St. Christopher's.
Barbados.	Montserrat.
St. Vincent	Nevis.
Grenada.	The Virgin Islands.
Tobago.	British Guiana.
St. Lucia.	Trinidad.
Antigua.	The Bahamas.
Dominica.	The Turks Islands.

(To be continued).

**COURT OF BANKRUPTCY, NEWCASTLE-UPON-TYNE.**—Mr. Wakley, one of the two official assignees of this court, has been obliged to resign his office in consequence of ill health. On his retirement a memorial was presented to him, signed by the president and officers of the Newcastle-upon-Tyne and Gateshead Law Society, and by fifty-six solicitors practising in those towns. The memorialists state that they "could not allow Mr. Wakley to retire from an office he had so long and so ably filled, without expressing their high sense of his official and private character." Mr. Wakley received his appointment from Lord Lyndhurst, when that distinguished nobleman was Lord High Chancellor.

#### London Gazette.

FRIDAY, OCTOBER 27.

#### BANKRUPTS.

**EDWARD SNOW**, High-street, St. Giles's, Middlesex, tea dealer and grocer, Nov. 9 at half-past 1, and Dec. 14 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Allen & Nicol, 88, Queen-street, Cheapside.—Petition filed Oct. 23.

**ROBERT DOAK**, Kew, Surrey, draper, dealer and chapman, Nov. 9 at 12, and Dec. 11 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. J. & J. H. Linklater, 17, Sise-lane.—Petition filed Oct. 24.

**CHARLES LOVELL**, Wisbeach St. Peter's, Cambridge-shire, boot and shoe manufacturer, dealer and chapman, Nov. 13 at half-past 12, and Dec. 14 at 2, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Abbott & Co., or Watson, Wisbeach.—Petition filed Oct. 25.

**ARTHUR WELLINGTON POCKOCK**, Old Jewry, London, coffee-house keeper, confectioner, dealer and chapman, Nov. 13 at half-past 1, and Dec. 14 at half-past 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Paterson, 68, Old Broad-street.—Petition filed Oct. 25.

**SAMUEL CRAIG**, Nuneaton, Warwickshire, grocer and tea dealer, Nov. 10 at 12, and Dec. 7 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Craddock & Shelley, Nuneaton; Motteram & Knight, Birmingham.—Petition filed Oct. 26.

**JAMES RATCLIFF**, Nottingham, hosier, dealer and chapman, Nov. 7 and 26 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Bowley, Nottingham; Hodgson, Birmingham.—Petition filed Oct. 21.

**JOHN MIDGLEY**, Nottingham, soda-water manufacturer, dealer and chapman, Nov. 14 and Dec. 5 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sol. Bowley, Nottingham.—Petition filed Oct. 26.

**EDWARD BAKER**, Newport, Monmouthshire, carrier, Nov. 7 and Dec. 5 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Phillpotts, Newport; Bevan & Girling, Bristol.—Petition filed Oct. 13.

**SIMEON FITMAN**, Walcot, Bath, Somersetshire, carpenter and builder, Nov. 7 and Dec. 5 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Gibbs, Bath.—Petition filed Oct. 26.

**RICHARD GAY**, Leeds, Yorkshire, ware grinder, Nov. 14 at 12, and Dec. 5 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sol. Naylor, Leeds.—Petition filed Oct. 20.

**SAMUEL REDFERN**, York, innkeeper, dealer and chapman, Nov. 14 and Dec. 4 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. J. & H. Richardson, York; Balmer, Leeds.—Petition filed Oct. 18.

**JOSEPH BROOKS**, Salford, Lancashire, grocer and provision dealer, Nov. 9 and 30 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Herniman; Sols. Sale & Co., Manchester.—Petition filed Oct. 20.

#### MARRIAGES.

**John Whitaker Rowbottom**, Halifax, Yorkshire, boiler maker, Nov. 24 at 11, District Court of Bankruptcy, Leeds, last ex.—**Wm. Hamlin Stidolph**, Speen, Berkshire, paper maker, Nov. 21 at half-past 11, Court of Bankruptcy, London, and ac. and div.—**Wm. Nash**, Budge-row, London, tea dealer, Nov. 7 at 1, Court of Bankruptcy, London, and ac.—**Edward Davies**, Harrow-road, Paddington, and Park-terrace, Regent's-park, Middlesex, oilman, Nov. 7 at 2, Court of Bankruptcy, London, and ac.—**James Triggs**, **William Triggs**, and **Edward Triggs**, Southampton, upholsterers, Nov. 7 at half-past 1, Court of Bankruptcy, London, and ac.—**Wm. Lloyd**, York-street, Westminster, Middlesex, licensed victualler, Nov. 7 at 1, Court of Bankruptcy, London, and ac.—**Elizabeth Munting** and **John Munting**, Little Moorfields, London, licensed carmen, Nov. 20 at 1, Court of Bankruptcy, London, and ac.—**Wm. Robert Nield** and **Wm. Henry Hugh Collander**, Cannon-street West, London, shawl warehousemen, Nov. 20 at 2, Court of Bankruptcy, London, and ac.—**Auguste S. Besson**, New Bond-street, Middlesex, fancy repository, Nov. 20 at 11, Court of Bankruptcy, London, and ac.—**Wm. Flesman** the younger, High-street, Kensington, Middlesex, corn merchant, Nov. 21 at half-past 1, Court of



Bankruptcy, London, and. ac.—*Isaac Cooper*, Luddington, Northamptonshire, corn dealer, Nov. 21 at 12, Court of Bankruptcy, London, and. ac.—*Thomas Boyden and Joseph E. Mansford*, Cullum-street, London, merchants, Nov. 21 at 2, Court of Bankruptcy, London, and. ac.—*Henry Bennett*, Christchurch, Hampshire, linendraper, Nov. 21 at 2, Court of Bankruptcy, London, and. ac.—*Edward J. Wells*, Maidstone, Kent, ironmonger, Nov. 20 at 2, Court of Bankruptcy, London, and. ac.—*Frederick T. Pescott*, Macclesfield-street South, City-road, and Albion-place, Kingsland, Middlesex, fancy box manufacturer, Nov. 21 at 1, Court of Bankruptcy, London, and. ac.—*Richard Hughes*, Gutter-lane, Cheapside, London, tavern keeper, Nov. 20 at 1, Court of Bankruptcy, London, and. ac.—*Thomas Langridge*, Bristol, cook, Nov. 23 at 11, District Court of Bankruptcy, Bristol, and. ac.—*Joseph Francis*, Manchester, baker, Nov. 13 at 12, District Court of Bankruptcy, Manchester, and. ac.—*Robert Barker*, Manchester, druggist, Nov. 13 at 12, District Court of Bankruptcy, Manchester, and. ac.; Nov. 20 at 12, div.—*Archibald Vickers*, Disley, Cheshire, cotton spinner, Nov. 13 at 12, District Court of Bankruptcy, Manchester, and. ac.; Nov. 20 at 12, div.—*Joshua Bowker*, Hyde, Cheshire, innkeeper, Nov. 14 at 12, District Court of Bankruptcy, Manchester, and. ac.; Nov. 21 at 12, div.—*Wm. Blain*, Liverpool, corn merchant, Nov. 6 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*Alexander Smith*, Liverpool, merchant, Nov. 6 at 11, District Court of Bankruptcy, Liverpool, and. ac.; Nov. 20 at 11, div.—*George Tupling*, Wood-street, Cheapside, London, carpet warehouseman, Nov. 18 at half-past 12, Court of Bankruptcy, London, div.—*John Fitzgerald*, Portland-place, Middlesex, and Pendleton, Lancashire, coal merchant, Nov. 21 at half-past 12, Court of Bankruptcy, London, div.—*Edward Biven*, King William-street, London, watchmaker, Nov. 3 at 11, Court of Bankruptcy, London, div.—*John Smith and Luke Ashby*, Great Coram-street, Brunswick-sq., Middlesex, linendrapers, Nov. 23 at 12, Court of Bankruptcy, London, div.—*Frederick Wm. Wright*, Brighton, Sussex, chemist, Nov. 21 at 12, Court of Bankruptcy, London, div.—*Wm. Brailford*, Nottingham, smallware dealer, Nov. 21 at 10, District Court of Bankruptcy, Nottingham, and. ac.; Nov. 28 at 10, div.—*Theodore Jewitt and Edmund Micklewood*, Plymouth, Devonshire, stationers, Nov. 20 at 1, District Court of Bankruptcy, Plymouth, div.—*Charles Ogalbe*, Plymouth, Devonshire, builder, Nov. 20 at 1, District Court of Bankruptcy, Exeter.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*James John Newnam and James Leadbetter*, Charlton, Kent, waterproofer, Nov. 18 at 2, Court of Bankruptcy, London.—*George Tupling*, Wood-street, Cheapside, London, carpet warehouseman, Nov. 18 at half-past 12, Court of Bankruptcy, London.—*Thomas Boyden and Joseph E. Mansford*, Cullum-street, London, merchants, Nov. 21 at 2, Court of Bankruptcy, London.—*Alfred Knight*, Wood-street, Cheapside, London, worsted yarn manufacturer, Nov. 21 at 2, Court of Bankruptcy, London.—*Richard Hughes*, Gutter-lane, Cheapside, London, tavern keeper, Nov. 20 at 1, Court of Bankruptcy, London.—*Isaac Cooper*, Luddington, Northamptonshire, corn dealer, Nov. 21 at 12, Court of Bankruptcy, London.—*Edward John Wells*, Maidstone, Kent, ironmonger, Nov. 20 at 2, Court of Bankruptcy, London.—*Henry Bennett*, Christchurch, Hampshire, linendraper, Nov. 21 at 2, Court of Bankruptcy, London.—*Anthony Deale and Horatio Claggett*, Leadenhall-street, London, patent ocean float manufacturers, Nov. 23 at 2, Court of Bankruptcy, London.—*T. Jewitt and E. Micklewood*, Plymouth, Devonshire, stationers, Nov. 20 at 1, District Court of Bankruptcy, Exeter.—*George Hingston*, Lyme Regis, Dorsetshire, scrivener, Nov. 22 at 1, District Court of Bankruptcy, Exeter.—*Wm. Coveney*, Manchester, silk manufacturer, Nov. 20 at 12, District Court of Bankruptcy, Manchester.—*Thomas Lickley*, Thirsk, Yorkshire, corn merchant, Nov. 20 at 12, District Court of Bankruptcy, Leeds.—*Samuel Hammond*, Leeds, Yorkshire, flax spinner, Nov. 27 at 11, District Court of Bankruptcy, Leeds.—*George Jeeves*, Sheffield, Yorkshire, brush manufacturer, Nov. 25 at 11, District Court of Bankruptcy, Sheffield.—*John Moate* the elder, Nottingham, grocer, Nov. 21 at 10, District Court of Bankruptcy, Nottingham.—*W. Brailford*, Nottingham, smallware dealer, Nov. 21 at 10, District Court of Bankruptcy, Nottingham.

*To be granted, unless an Appeal be duly entered.*

*Wm. Haining*, Cheltenham, Gloucestershire, grocer.—*H. Wheeler*, Richmond, Surrey, baker.—*Joseph B. Millington*, Marlborough-place, Harrow-road, Paddington, Middlesex, builder.—*Charles R. Roper*, Church-street and Bohemia-place, Hackney, Middlesex, chemist.—*Lewis Worms*, Queen-street, Cheapside, London, merchant.

#### SCOTCH SEQUESTRATIONS.

*George Gordon*, Grantown, Inverness-shire, merchant.—*Archibald Hay*, Glasgow, farmer.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Thomas Cooke*, Fronsfield, Hampshire, farmer, Nov. 4 at 11, County Court of Hampshire, at Petersfield.—*G. Gilman*, Bingham, Nottinghamshire, boot maker, Nov. 15 at 10, County Court of Nottinghamshire, at Bingham.—*H. Johnson*, Nottingham, out of business, Nov. 14 at 10, County Court of Nottinghamshire, at Nottingham.—*T. Foson*, Nottingham, lace manufacturer's assistant, Nov. 14 at 10, County Court of Nottinghamshire, at Nottingham.—*J. Cousen*, Bradford, Yorkshire, joiner, Nov. 14 at 11, County Court of Yorkshire, at Bradford.—*G. Downer*, Gillingham, Kent, retired lieutenant of marines, Nov. 9 at 10, County Court of Kent, at Rochester.—*J. Hunt*, Rochester, Kent, baker, Nov. 9 at 10, County Court of Kent, at Rochester.—*W. Thornton*, Stoney Stratford, Buckinghamshire, butcher, Nov. 14 at 12, County Court of Buckinghamshire, at Newport Pagnell.—*John Walker*, Wolverton, Buckinghamshire, baker, Nov. 14 at 12, County Court of Buckinghamshire, at Newport Pagnell.—*Wm. Goode*, Scaldwell, Northamptonshire, cattle dealer, Nov. 8 at 10, County Court of Northamptonshire, at Northampton.—*W. Jackson*, Northampton, shoe manufacturer, Nov. 8 at 10, County Court of Northamptonshire, at Northampton.—*S. Smith*, Earsdon, Northumberland, enginewright, Nov. 17 at 10, County Court of Northumberland, at North Shields.—*Wm. Worthington*, Oldham, Lancashire, beer-seller, Nov. 3 at 12, County Court of Lancashire, at Oldham.—*John Middleton*, Stourbridge, Worcestershire, horse breaker, Nov. 27 at 10, County Court of Worcestershire, at Stourbridge.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Jan. 10 at 10, before Mr. Commissioner MURPHY.*

*Thomas Bullock*, Turnham-green, Middlesex, in no business.—*Wm. George*, Spring-street, Portman-square, Middlesex, dairyman.—*Samuel Shergold*, Belgrave-terrace, Eaton-square, Piccadilly, Middlesex, literary writer.—*Jas. Trevendale*, Margaret-street, Commercial-road East, Middlesex, ship carpenter.—*James W. Kelly*, Langley-place, Commercial-road East, Middlesex, clerk to a sugar refiner.—*George Flower*, Coles-place, Trinity-square, Southwark, Surrey, beer-shop keeper.—*James Stephenson*, Clarence-place, Stepney-green, Stepney, Middlesex, commission agent.—*Thomas Purcell*, Woolwich, Kent, upholsterer.—*G. H. Buckell*, Rosebury-villas, Tuffnell-park, Camden-town, Middlesex, surgeon.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Nov. 10 at 10, before the CHIEF COMMISSIONER.*

*Thomas Dowding*, Clayton-place, Caledonian-road, Middlesex, cheesemonger.—*Joseph John Taylor Quarumby*, Spa-cottages, Lloyd's-row, Clerkenwell, Middlesex, law writer.—*Samuel Hinds*, Queen-street, Cannon-street, London, director of the London Necropolis and National Mausoleum Company.—*John Burnet*, Keppell-terrace, King's-road, Chelsea, Middlesex, artist.

*Nov. 10 at 10, before Mr. Commissioner MURPHY.*

*Thomas Ramsden*, Grove-street, Camden-town, Middlesex, oilman.—*Henry Sommers*, Idol-lane, Tower-street, London, out of business.

#### Adjourned Hearings.

*Lewis Levy*, Union-street, Spitalfields, Middlesex, furniture

manufacturer.—*Joseph Trigwell*, Fulham-road, Middlesex, beer-shop keeper.

Nov. 11 at 11, before Mr. Commissioner PHILLIPS.

*Henry Naunton Julian*, Arundel-street, Strand, Middlesex, out of business.—*John Leykauff*, Clapham-road-place, Clapham-road, Surrey, lodging-house keeper.—*Charles Pearce*, Southampton street, Camberwell, Surrey, grocer.

Nov. 13 at 10, before the CHIEF COMMISSIONER.

*Jose Alvarez Santillano*, Upper Baker-street, New-road, and Warwick-street, Regent-street, Middlesex, tailor.

County Court of Lancashire, at Lancaster. Assignees have been appointed in the following Cases:—

*Joseph Rathenau*, Manchester, waterproof-coat maker, No. 78,720; *William Edwards*, assignee.—*James Robinson*, Gorton Brook, near Manchester, out of business, No. 78,628; *Lewis Morgan*, assignee.—*Jonathan Brocklehurst*, Blackburn, out of business, No. 78,865; *John Fisher*, assignee.—*Thomas Duncan Milner*, Blackburn, out of business, No. 78,719; *William Jenner*, assignee.—*Miles Harrison*, Hindley, near Wigan, out of business, No. 78,857; *Thos. Taylor*, assignee.—*Jos. Sawyer*, Bradford, Yorkshire, woolcomber, No. 78,739; *Thomas Ogden*, assignee.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Lancashire, at LANCASTER, Nov. 10 at 11.

*Thomas Sharples*, Blackburn, licensed victualler.—*George Piggin*, Great Yarmouth, Norfolk, slater.—*James Rogers*, Liverpool, out of business.—*James Wild*, Over Darwen, near Blackburn, out of business.—*T. Penk*, Manchester, grocer.—*John Dales*, Manchester, out of business.—*Wm. Lee*, Salford, provision-shop keeper.—*Jas. Taylor*, Lancaster, out of business.—*Richard Tipping*, Liverpool, hay dealer.—*Thos. Sidebottom*, Ashton-under-Lyne, beer seller.—*Robert Riding*, Altrincham, Manchester, joiner.—*Patrick Murphy*, Manchester, general marble mason.—*William Walker*, Ashton-under-Lyne, farmer.—*John Hardman*, Manchester, grocer.—*James Jones*, Openshaw, near Manchester, glazier.—*Thomas Swift Pattison*, Liverpool, pilot.—*Robert Bagnall*, Manchester, overlooker in a cotton factory.—*Thomas Webb*, Fenton, near Stoke-upon-Trent, Staffordshire, grocer.—*Rich. Whitaker*, Blackburn, servant to a licensed victualler.—*Richard Henry Hayley*, Manchester, debt collector.—*J. Cummings*, Manchester, grocer.—*Benj. Warburton*, Manchester, town traveller to a cotton doubler.—*James Smith*, Manchester, pie dealer.—*Jonathan Saxon*, Hulme, Manchester, house agent.—*George Johnson*, Ashton-under-Lyne, shopman to a hat manufacturer.—*J. Sharples*, Blackburn, grocer.—*J. Dimelow Davies*, Salford, grocer.—*James Horrocks*, Bolton-le-Moors, licensed victualler.—*John Grandin*, Wood Hill, near Bury, provision dealer.

At the County Court of Oxfordshire, at OXFORD, Nov. 10 at 10.

*W. Williams*, King's Sutton, near Banbury, Northamptonshire, out of business.

At the County Court of Durham, at DURHAM, Nov. 10.

*Thomas Thompson*, Durham, joiner.—*Robert Thompson*, Durham, joiner.

At the County Court of Kent, at DOVER, Nov. 14 at 11.

*The Rev. H. R. Quartley*, New Bond-street, Middlesex, clerk in holy orders.—*Charles Coppingier*, Folkestone, custom-house agent.

#### MEETING.

*Charles Mott*, deceased, auditor for the South Lancashire and Cheshire District Poor-law Union, Nov. 14 at 11, at Hill & Mathews's, Bury-court, St. Mary Axe, London, sp. aff.

TUESDAY, OCTOBER 31.

#### BANKRUPTS.

*JOHN ROGERS*, Laurence Pountney-lane, London, commission agent and warehouseman, dealer and chapman, (trading under the style or firm of Rogers & Co.), Nov. 14 at 11, and Dec. 19 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Abrahams, 23, Southampton-buildings, Holborn.—Petition filed Oct. 20.

*JOSEPH THOMPSON* the younger, Terrace, Kensington, Middlesex, draper, dealer and chapman, Nov. 13 at 2, and Dec. 19 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Lawrance & Co., Old Jewry-chambers.—Petition filed Oct. 27.

*WILLIAM OWEN TUCKER*, Threadneedle-street, London, share broker, share dealer, commission agent, dealer and chapman, Nov. 7 at half-past 11, and Dec. 22 at half-past 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Lawrance & Co., 14, Old Jewry-chambers, Old Jewry.—Petition filed Oct. 26.

*EDWARD WILLIAM TUSON*, Harley-street, Cavendish-square, Middlesex, boarding-house keeper, dealer and chapman, Nov. 11 and Dec. 22 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Lawrance & Co., 14, Old Jewry-chambers, Old Jewry.—Petition filed Oct. 30.

*HENRY BRETT*, Portsea, Southampton, grocer, dealer and chapman, Nov. 11 at 11, and Dec. 22 at half-past 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Lawrance & Co., 14, Old Jewry-chambers, Old Jewry.—Petition filed Oct. 30.

*PETER SMITH*, Bridport-place, Hoxton, Middlesex, licensed victualler, Nov. 11 at half-past 1, and Dec. 16 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Carpenter, 3, Elm-court, Temple, London.—Petition dated Oct. 27.

*NATHANIEL MAGNUS* the younger, Fore-street, Cripple-gate, London, shoe manufacturer, Nov. 11 and Dec. 16 at 2, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Lawrance & Co., 14, Old Jewry-chambers, Old Jewry.—Petition filed Oct. 6.

*JAMES WRIGHT*, Wendover, Buckinghamshire, surgeon and apothecary, dealer and chapman, Nov. 11 and Dec. 16 at 2, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Downes, 1, Adelaide-place, London-bridge.—Petition dated Oct. 18.

*LYDIA WOOD* and *CHARLES HENRY WOOD*, Willow-walk, Bermondsey, Surrey, carpenters and builders, dealers and chapmen, Nov. 11 at 1, and Dec. 16 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Edwards, Lothbury, London.—Petition dated Oct. 25.

*HENRY BOLENO MASON*, (commonly known as Henry Boleno), Windmill-street, Haymarket, Middlesex, licensed victualler, dealer and chapman, Nov. 11 and Dec. 16 at half-past 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Buchanan, 1, Guildhall-chambers, Basinghall-street.—Petition dated Oct. 28.

*JOHN MATHEWS*, Newent, Gloucestershire, hallier and farmer, dealer and chapman, Nov. 13 and Dec. 11 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Lovegrove, Gloucester.—Petition filed Oct. 27.

*WILLIAM BICKLEY*, Stoke-upon-Trent, Staffordshire, draper, dealer and chapman, Nov. 9 and Dec. 7 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Motteram & Knight, Birmingham; Jones, 15, Size-lane, London.—Petition dated Oct. 23.

*JAMES WHITNEY*, Worcester, draper, Nov. 10 and Dec. 7 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Hughes, Worcester; Motteram & Knight, Birmingham.—Petition dated Oct. 10.

*JOHN MIDGLEY*, Nottingham, soda-water manufacturer, dealer and chapman, Nov. 14 and Dec. 5 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Bowley, Nottingham; Hodgson, Birmingham.—Petition dated Oct. 26.

*WILLIAM HENRY BARLOW*, Leeds, Yorkshire, hatter, dealer and chapman, Nov. 17 and Dec. 8 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sol. Middleton, Leeds.—Petition dated and filed Oct. 30.

#### MEETINGS.

*Wm. Howell*, Goswell-street, Middlesex, licensed victualler, Nov. 14 at half-past 12, Court of Bankruptcy, London, last ex. and aud. ac.—*George Prince* and *James Prince*, Regent-street, and Carlton-street, Regent-street, Westminster, Middlesex, wine merchants, Nov. 15 at 2, Court of Bankruptcy, London, last ex.—*John Haydon*, Barnstaple, Devonshire, draper, Nov. 15 at 12, Court of Bankruptcy, London, aud. ac.—*John Hunter*, Manchester, wholesale tea merchant, Nov. 15 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Nov. 22 at 12, div.—*John Adams*, Longton, Staffordshire, china manufacturer, Nov. 23 at half-past 10, District

Court of Bankruptcy, Birmingham, aud. ac.—*Charles Rolleston*, Brierley-hill, Staffordshire, boot manufacturer, Nov. 17 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac.—*Frederick Langman*, Wolverhampton, Staffordshire, wholesale druggist, Nov. 17 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac.; Nov. 25 at 12, div.—*Thomas Dalton*, Coventry, Warwickshire, silk dyer, Nov. 23 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac.—*George Sampson*, Lincoln, draper, Nov. 22 at 12, District Court of Bankruptcy, Kingston-upon-Hull, aud. ac. and div.—*John L. Bullock*, Rodney Wharf, Battersea, Surrey, manufacturing chemist, Nov. 21 at 1, Court of Bankruptcy, London, div.—*Oliver T. J. Stockden*, Walham-green, Middlesex, brewer, Nov. 21 at half-past 11, Court of Bankruptcy, London, div.—*Richard Lee*, *Richard John Brassey*, *Fuller Farr*, and *George Lee*, Lombard-street, London, bankers, Nov. 21 at 12, Court of Bankruptcy, London, div. joint est., and div. sep. est. of *George Lee*.—*Lewis C. Hertelet* and *Joseph Okell*, Union-court, Broad-street, London, merchants, Nov. 21 at 1, Court of Bankruptcy, London, div. sep. est. of *Lewis C. Hertelet*.—*Samuel Salter*, Hunton Bridge, Abbots Langley, Hertfordshire, maltster, Nov. 25 at 12, Court of Bankruptcy, London, div.—*Henry Tindall*, Hastings, Sussex, brewer, Nov. 23 at 11, Court of Bankruptcy, London, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*James Wright*, Rood-lane, London, shipowner, Nov. 22 at 2, Court of Bankruptcy, London.—*Chas. Heyne*, St. Benet's-place, Gracechurch-street, London, broker, Nov. 22 at half-past 1, Court of Bankruptcy, London.—*Wm. J. Normansville*, Seymour-chambers, Duke-street, Adelphi, and Queen's-road, Regent's-park, Middlesex, commission agent, Nov. 22 at half-past 2, Court of Bankruptcy, London.—*Thomas Grogan*, Queen-street, Stepney, Middlesex, licensed victualler, Nov. 21 at 1, Court of Bankruptcy, London.—*John P. Waterous*, Alexander-terrace, Westbourne-park-road, Paddington, Middlesex, builder, Nov. 22 at 1, Court of Bankruptcy, London.—*Lewis Benjamin*, Princes-street, Leicester-square, Middlesex, jeweller, Nov. 24 at 12, Court of Bankruptcy, London.—*Wm. J. Normansville*, Sidmouth, Devonshire, baker, Nov. 22 at 1, District Court of Bankruptcy, Exeter.—*T. Hutchings*, Arminster, Devonshire, nurseryman, Nov. 30 at 1, District Court of Bankruptcy, Exeter.—*George John Jenvey*, Barnstaple, Devonshire, bookseller, Nov. 22 at 1, District Court of Bankruptcy, Exeter.—*Henry Basil Bray*, Coventry, Warwickshire, grocer, Nov. 23 at half-past 10, District Court of Bankruptcy, Birmingham.—*George Sampson*, Lincoln, draper, Nov. 22 at 12, District Court of Bankruptcy, Kingston-upon-Hull.

*To be granted, unless an Appeal be duly entered.*

*Wm. H. Fleming*, Camberwell, Surrey, brewer.—*C. Terry*, Birmingham, out-nail manufacturer.—*David Cooper*, Birmingham, pearl button maker.—*Wm. H. Ellington*, King's Heath, Worcestershire, brickmaker.

#### PARTNERSHIPS DISSOLVED.

*Wm. W. Hastings*, *Wm. Best*, and *Thomas Henry Smith*, Southampton-street, Bloomsbury-square, Middlesex, attorneys and solicitors.—*John Godden* and *Henry James Godden*, Gray's-inn-place, Gray's-inn, attorneys and solicitors.—*Fred. Keddell* and *Charles Smith*, Lime-street, London, solicitors.

#### SCOTCH SEQUESTRATIONS.

*Wm. Dewar*, Glasgow, post-horse hirer.—*Robertson & Co.*, Glasgow, manufacturers.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Smith*, Radstock, Somersetshire, gentleman, Nov. 11 at 12, County Court of Somersetshire, at Temple Cloud.—*W. Staves*, Kingston-upon-Hull, shoemaker, Nov. 17 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*Wm. Clarke*, Ramsgate, Kent, lodging-house keeper, Nov. 7 at 10, County Court of Kent, at Ramsgate.—*G. Hopkins*, Habin, Rogate, Sussex, carrier, Nov. 23 at 12, County Court of Sussex, at Midhurst.—*Thomas Grant*, Corsley, Wiltshire, wheelwright, Nov. 14 at 12, County Court of Wiltshire, at Warminster.—*George Wana*, South Shields, Durham, butcher, Nov. 23 at 10, County Court of Durham, at South Shields.—

*Joseph Pepler*, Watton-under-Edge, Gloucestershire, straw dealer, Nov. 27 at 11, County Court of Gloucestershire, at Dursley.—*George White*, Portsea, Southampton, dealer in marine stores, Nov. 25 at 11, County Court of Hampshire, at Portsmouth.—*A. R. Wilkey*, Southsea, Portsea, Southampton, baker, Nov. 25 at 11, County Court of Hampshire, at Portsmouth.—*Johnson Marks*, Cardiff, Glamorganshire, watchmaker, Nov. 17 at 11, County Court of Glamorganshire, at Cardiff.—*Thomas Grant*, Cardiff, Glamorganshire, hobbler, Nov. 17 at 11, County Court of Glamorganshire, at Cardiff.—*John Robinson*, Kempston, near Bedford, Bedfordshire, butcher, Nov. 21 at 10, County Court of Bedfordshire, at Bedford.—*Richard Stowell*, Keighley, Yorkshire, out of business, Nov. 15 at 11, County Court of Yorkshire, at Keighley.—*Thomas Walsh*, Bingley, Yorkshire, clerk, Nov. 15 at 11, County Court of Yorkshire, at Keighley.—*R. Barron*, Littlemoor, Pudsey, Yorkshire, cloth manufacturer, Nov. 14 at 11, County Court of Yorkshire, at Bradford.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Nov. 27 at 11, before the CHIEF COMMISSIONER.*

*Richard Shortland*, Brewer-street, Somers-town, St. Pancras, Middlesex, butcher.—*James Burton*, Leader-street, College-street, Chelsea, Middlesex, baker.—*Henry John Broad*, Wimbourne-street, New North-road, Hoxton, Middlesex, lucifer match manufacturer.—*Wm. Henry Freame*, Great George-street, Bermondsey, Surrey, grocer.—*Jesse Haycock*, jun., Brook-street, Upper Clapton, Middlesex barman.—*J. Simmonds*, Jefferys-place, Jefferys-street, Camden-town, Middlesex, foreman to a builder.—*R. G. W. Wear*, Hill-cottage, Shooter's-hill, Kent, inspector of agencies.

*Jan. 11 at 11, before Mr. Commissioner PHILLIPS.*

*George Buckham*, Phelps-street, Walworth-common, Surrey, compositor.—*George Wm. Toniaeal*, Homerton-row, Homerton, Hackney, Middlesex, architect.—*John Osborn*, Ewell, and Chessam-common, Surrey, shoemaker.—*Matthew Gargan*, Lillington-street, Belgrave-road, Pimlico, Middlesex, painter.—*Thomas Healey*, Fresschool-street, Bermondsey, Surrey, carpenter.—*Henry Hammond*, Leslie-street, Mile-end-road, Middlesex, waiter.—*Thomas Cole* the younger, Perrin's-place, High-street, Hampstead, Middlesex, beer-shop keeper.—*Henry Hook*, Crescent-place, Clapham-common, Surrey, cabinet maker.—*C. Wild*, Raphael-street, Knightsbridge, Middlesex, fruiterer.

*Saturday, Oct. 28.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*John O'Hara*, Tolbot-villas, St. Columb's-road, Paddington, Middlesex, clerk to a builder, No. 64,341 T.; *R. Eardon*, assignee.—*D. Small*, Liverpool, hawker, No. 78,464 C.; *A. W. Falcon*, assignee.—*George N. Tootal*, Leeds, Yorkshire, sharebroker, No. 78,616 C.; *Joseph Prior*, assignee.—*John William Cooper*, Rothley, Leicestershire, baker, No. 78,663 C.; *John Paget*, assignee.—*Levi Kibby*, Tamworth, Warwickshire, out of business, No. 78,808 C.; *Stewart G. Robinson*, assignee.

*Saturday, Oct. 28.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Henry Rheinlander*, Old Ford-road, Bethnal-green, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*John H. Taylor*, Bermondsey-street, Surrey, foreman to a cap manufacturer: in the Gaol of Surrey.—*John King*, Kensworth, Hertfordshire, dealer in hay: in the Debtors Prison for London and Middlesex.—*John P. Edwards*, York-buildings, Adelphi, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*C. L. Bowes*, Princes-terrace, York-road, Battersea, Surrey, surveyor: in the Gaol of Surrey.—*Robert Cook*, Churton-street, Pimlico, Middlesex, butcher: in the Debtors Prison for London and Middlesex.—*Charlotte Haines*, Oxford-terrace, Hyde-park, Middlesex, lodging-house keeper: in the Debtors Prison for London and

Middlesex.—*Wm. Wilkinson*, Albert-terrace, Notting-hill, Middlesex, professor of music: in the Debtors Prison for London and Middlesex.—*Mark Brown*, Great Marlborough-st., Middlesex, dairyman: in the Debtors Prison for London and Middlesex.—*William Schild*, Great Suffolk-street, Southwark, Surrey, baker: in the Gaol of Surrey.—*James Horrocks*, Little Bolton, Bolton-le-Moors, Lancashire, beer-seller: in the Gaol of Lancaster.—*John Grandin*, Bury, Lancashire, basket maker: in the Gaol of Lancaster.—*George Johnson*, Ashton-under-Lyne, Lancashire, shopman to a hatter: in the Gaol of Lancaster.—*John Dimelow Davies*, Salford, Lancashire, provision dealer: in the Gaol of Lancaster.—*John Sharples*, Blackburn, Lancashire, weaver: in the Gaol of Lancaster.—*Jonathan Saxon*, Hulme, Manchester, house agent: in the Gaol of Lancaster.—*James Smith*, Manchester, pie dealer: in the Gaol of Lancaster.—*J. Cummings*, Manchester, provision dealer: in the Gaol of Lancaster.—*Richard Whittaker*, Blackburn, Lancashire, servant to a licensed victualler: in the Gaol of Lancaster.—*Benjamin Werburton*, Manchester, town traveller: in the Gaol of Lancaster.—*Richard Henry Hayley*, Salford, Lancashire, out of business: in the Gaol of Lancaster.—*John Greenwood*, Leeds, Yorkshire, out of business: in the Gaol of York.—*Thomas Pennington*, Castleford, Yorkshire, out of business: in the Gaol of York.—*Francis Chapman*, Castleford, Yorkshire, out of business: in the Gaol of York.—*Matthew Clayton*, Castleford, Yorkshire, out of business: in the Gaol of York.—*John Burrows*, Bury, Lancashire, confectioner: in the Gaol of Lancaster.—*William Waine Benson*, Preston, Lancashire, out of business: in the Gaol of Lancaster.—*Thos. Wadsworth*, Manchester, out of business: in the Gaol of Lancaster.—*Thomas Swift Pattison*, Liverpool, pilot: in the Gaol of Lancaster.—*Thos. Harrison*, Aston, Warwickshire, out of business: in the Gaol of Coventry.—*John Spooner*, Foregate-st., Worcester-shire, schoolmaster: in the Gaol of Worcester.—*Richard Tipping*, Liverpool, hay dealer: in the Gaol of Lancaster.—*Joseph Appleby*, Burton-upon-Trent, Staffordshire, wood turner: in the Gaol of Stafford.—*Norman Bond Yonge*, Armitage, near Rugeley, Staffordshire, gentleman: in the Gaol of Stafford.—*Robert Lloyd*, Birmingham, out of business: in the Gaol of Coventry.—*Henry Radfern*, Birmingham, carpenter: in the Gaol of Coventry.—*Nathan Lawrence*, Gloucester, auctioneer: in the Gaol of Gloucester.—*Jas. Richardson*, Cambridge, butcher: in the Gaol of Cambridge.—*Wm. Ripley*, Halifax, Yorkshire, shoemaker: in the Gaol of York.—*Henry Herdy*, Little Horton, near Bradford, Yorkshire, joiner: in the Gaol of York.—*Benjamin Wells*, Lister Hills, Bradford, Yorkshire, out of business: in the Gaol of York.—*Thos. Waite*, Bradford Moor, near Bradford, Yorkshire, stonemason: in the Gaol of York.—*Harriet Joseph*, Merthyr Tydvil, Glamorganshire, out of business: in the Gaol of Cardiff.—*Thos. Francis*, Neath, Glamorganshire, butcher: in the Gaol of Cardiff.—*Benjamin Reynolds*, Cradley, Rowley Regis, Staffordshire, carpenter: in the Gaol of Worcester.—*Henry Bowers*, Dudley, Worcestershire, out of business: in the Gaol of Worcester.—*Benjamin Solomon*, Dover, Kent, dealer in jewellery: in the Gaol of Dover.—*S. Mellor*, Birmingham, out of business: in the Gaol of Shrewsbury.—*Joseph Linley*, Sheffield, Yorkshire, sheep shearer: in the Gaol of York.—*George Burkinshaw*, York, out of business: in the Gaol of York.—*Jos. Hepworth*, Huddersfield, Yorkshire, dryer: in the Gaol of York.—*Wm. Ruddock*, Leeds, Yorkshire, tailor: in the Gaol of York.—*Wm. Parkinson*, Bolton-le-Moors, Lancashire, umbrella maker: in the Gaol of Lancaster.—*W. Duckworth*, Huntley Brook, Bury, Lancashire, out of business: in the Gaol of Lancaster.—*Samuel Drake Webster*, Pudsey, Yorkshire, grocer: in the Gaol of York.—*Abraham Holt*, Bradford, Yorkshire, brick manufacturer: in the Gaol of York.—*Thomas Luke*, Ascot-heath, Summinghill, Berkshire, horse trainer: in the Gaol of Reading.

(On Creditor's Petition).

*Charles Edmund Festrell Wyde*, Uplands-house, near Bridgenorth, Shropshire, clerk in holy orders: in the Gaol of Dover.

The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

Nov. 10 at 10, before the CHIEF COMMISSIONER.

Adjourned Hearing.

*Michael Henry Myers*, Gravesend, Kent, out of business.

Nov. 14 at 10, before Mr. Commissioner MURPHY.

*Robert Balls*, Calder House, Brixton-hill, Surrey, in no business.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Carmarthenshire, at CARMARTHEN, Nov. 9 at 10.

*Andrew Carrick*, Carmarthen, travelling draper.

At the County Court of Kent, at DOVER, Nov. 14 at 11.

*Benjamin Solomon*, Dover, dealer in jewellery.

At the County Court of Nottinghamshire, at NOTTINGHAM, Nov. 14 at 10.

*John Rhoades*, Addle-street, London, out of employ.

At the County Court of Devonshire, at EXETER, Nov. 14.

*John Donagan*, Dartmoor Barracks, pensioner.—*Ann Oak Lascombe*, Stouehouse, dealer in fruit.—*Thos. Besley*, West Eze, Tiverton, baker.

At the County Court of Staffordshire, at STAFFORD, Nov. 15 at 11.

*John Yates* the elder, Colton, near Rugeley, farmer.—*Jos. Appleby*, Burton-upon-Trent, in no business.

At the County Court of Worcestershire, at WORCESTER, Nov. 15 at 10.

*Benjamin Reynolds*, Cradley, Rowley Regis, carpenter.—*Wm. Hooper*, Astwood, Feckenham, carpenter.—*J. Spooner*, Worcester, schoolmaster.—*James Steed*, West Malvern, Mathon, bricklayer.—*John Howship*, Ripple, farmer.—*Henry Bowers*, Dudley, out of business.—*Wm. Handaley Podmore*, Balsall Heath, King's Norton, out of business.

At the County Court of Gloucestershire, at GLOUCESTER, Nov. 16 at 10.

*Charles Edward Townsend*, Painswick, saddler.—*Nathan Lawrence*, Gloucester, auctioneer's porter.

At the County Court of Yorkshire, at KINGSTON-UPON-HULL, Nov. 17.

*Robert Marr*, Kingston-upon-Hull, out of business.

## NORWICH UNION FIRE INSURANCE SOCIETY.

Established 1797.

PRESIDENT—ANTHONY HUDSON, Esq., Banker.

VICE-PRESIDENT—Lieut.-General Sir ROBT. JOHN HARVEY, C. B.

It is provided by the constitution of the Society that the insured shall be free from all responsibility; and to guarantee the engagements of the office, a fund of 550,000*l.* has been subscribed by a numerous and opulent proprietary, which fund has been further increased by the accumulation of an additional reserve, now amounting to 95,000*l.* Returns of three-fifths of the profits of the Company are periodically made to parties insuring, who have thus from time to time received from the Society sums amounting in the aggregate to nearly 350,000*l.*

The rates of premium are in no case higher than those charged by the other principal offices making no returns to their insurers.

The business of the Company exceeds 62,000,000*l.*, and, owing to the liberality with which its engagements have been performed, is rapidly increasing. The duty paid to Government for the year 1852 was 74,037*l.* 9*s.* 11*d.*; and the amount insured on farming stock was upwards of 9,000,000*l.*

For Prospectuses apply at the Society's Offices, 6, Crescent, New Bridge-street, Blackfriars; and Surrey-street, Norwich.

### CAUTION.

## TO TRADESMEN, MERCHANTS, SHIPPERS, OUT-

FITTERS, &c.—Whereas it has lately come to my knowledge that some unprincipled person or persons have for some time past been imposing upon the public by selling to the Trade and others a spurious article under the name of BOND'S PERMANENT MARKING INK, this is to give Notice that I am the ORIGINAL and SOLE PROPRIETOR and MANUFACTURER of the said article, and do not employ any traveller or authorize any persons to represent themselves as coming from my Establishment for the purpose of selling the said Ink. This Caution is published by me to prevent further impositions upon the public, and serious injury to myself.

E. R. BOND, sole Executrix and Widow of the late John Bond, 28, Long-lane, West Smithfield, London.

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A. DE MORGAN, Dean of the Faculty of Arts and Laws.

CHAS. C. ATKINSON, Secretary to the Council.

Oct. 25, 1854.

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# The Jurist

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PRICE 1s.

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LONDON, NOVEMBER 11, 1854.

We remember the time when the Legal Profession was divisible into two great classes, sufficiently contrasted in the gross, though insensibly melting into each other—those who did their business conscientiously, completely, and satisfactorily to themselves and their clients; and those who scamped it, trusting to some flashy qualities, or to connexion, for success. The first class is nearly extinct; not that the men who enter the Profession bring to it less talent, energy, or conscience than belonged to their predecessors, but the Profession itself is disheartened—demoralised—by a combination of depressing influences. We do not now allude to the temporary loss of emolument occasioned by the establishment and extension of the county court jurisdiction, though the loss has been great, and the blunder which caused it grievous. The professional derangement will soon be adjusted, according to the laws of demand and supply; and in the course of no long time we trust that the country will have learned in the school of experience the inherent unsoundness of the county court system. We shall have discovered that cheap law is not economical justice; and as we have already found that the science of medicine is not advanced by giving over criminals for dissection, we shall by degrees learn to distrust the experimentum in corpore vili in every form. There is no reason to fear the decay of the Profession. No civilised society can dispense with the counsellor, the draftsman, or the advocate; and the Profession will be honoured so long as

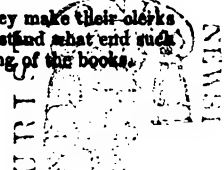
VOL. XVIII.

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it is true to itself, and resolved to rest its claims on its present services to society rather than on tradition. A great show of public spirit has been lately made by the lawyers; and if alteration is reform, the practice of the law has been and is being greatly reformed. Our present purpose is, not to consider the merits of those amendments, or to attempt to distinguish the scenery of the charlatan from the honest work of the amending hand, but to point out an unbroken field in which the legal reformer may labour with singular benefit to his order and to society.

We have said that the conscientious, sound, and safe lawyer is now rarely to be found; and the reason is, that the task which a sincere and earnest student of the present day must set before himself is such as the rarest energy of mind and endurance of constitution would be barely sufficient to master. The oracles of the law are contained in the reports and the statutes. We, in the course of many years of study and practice, have contrived, by a certain amount of labour, to extract from the whole body of reports and statutes, with such accuracy and completeness as we could command, a system of principles and rules for our guidance in practice, and we have endeavoured, by the device of "noting up," to provide ourselves with some kind of clue to the ramifications of the legal labyrinth. But the reports of cases now come upon us in such profusion, that the mere daily labour of "noting up" consumes more of our energy and time than was formerly sufficient for our entire studies\*. To remember the principal cases is absolutely impossible. But, as if this were not enough, the introduction of Dr. Story's flimsy compilations has brought into our courts the fopery of citing American decisions. The consequence of this state of things is, that most students and lawyers abandon the attempt to keep up their knowledge of the reports, and rely on text-books. This marks them at once as second-rate lawyers; and, the highest standard once

\* Some of our friends tell us that they make their clerks "note up" the cases. We do not understand what end such "noting up" can effect beyond the defacing of the books.





relinquished, there is no assignable minimum of learning with which they may not be content. The text-books themselves are rapidly deteriorating, from several causes besides the general decline of science in the class which is to produce them. First, the increasing tendency of the judges to decide on particular precedents, rather than on a wide induction from many precedents, is destroying the scientific character of the law, and thus renders the task of an institutional writer more and more repulsive; secondly, the mere labour of collating and criticising the decisions is almost beyond the powers of humanity; and, thirdly, the inducement to encounter that labour is daily diminishing. Confidence in the stability of the law has vanished. The annual alteration and refashioning of large branches of the law is now considered to be a part of the constitution; and, besides the consequent discouragement to study, we have this further result, that a text-book, however learnedly and carefully prepared, has no pecuniary value in the publishing market. No law book can bring an adequate return for its expenses and the risk of the adventure in fewer than six or seven years; and, as things are now ordered, no publisher can hope that any book he publishes will not be rendered obsolete in the ensuing session by some remorseless amending statute.

So much of the evil as is attributable to the state of the statute law would be considerably diminished by a code of the statutes; for it is certain, that if the statute law were once reduced to order, and provision made that all subsequent legislation should take the form of substitution, and not of patching, a great element of stability would be secured. We have little hope of any such result from the labours of the present Statute-law Commission. With the exception of one equity judge, whose time is of course too much occupied to enable him to be a working member of the commission, we do not see one name on the list\* which promises any scientific result. But the great evil lies in the reporting system; and, especially now that the fusion of law with equity has commenced in earnest, there is no hope that any lawyer will be able to master his business until two things have been done—first, the purification and abridgment of the existing reports by authority, resulting in either a chronological series or a digest of subsisting authorities in a concise form; and, secondly, the establishment of an authorised staff of reporters for the future. If such a reform were effected on a sound basis, *THE JURIST* would gladly retire, and seek some new form of existence. In the words of a late contributor, "We cannot generalise our common law, because its essence is, that it teaches by example; but we may put those examples in a more convenient form. We may revise our reports, and digest them, as we propose to digest our statutes; we may expunge precedents which have been overruled or become obsolete; and we may express, in con-

cise language, all that is material of circumstance, decision, and dictum, in those which remain. Having done that, we may give to our digest the same authority which the reports now possess, and forbid the citation of the reports prior to the digest; and we may provide for the annual revision of the digest. Such a work would reduce the existing thousand volumes of precedents to twenty, and would tend, more than any other measure, to facilitate and improve the practice and administration of the law\*."

### Correspondence.

#### CONSOLIDATION OF THE STAMP LAWS.

TO THE EDITOR OF "THE JURIST."

SIR,—The accumulation of patched and contradictory enactments consequent upon repeated alterations in the stamp duties renders consolidation absolutely necessary. I need not remind you that there are at the present time no less than five acts to which constant reference is required. The duty payable on an appointment must be sought for in the act of 1815; on a mortgage, in the act of 1850; on an apprenticeship indenture, in an act of 1853; on articles of clerkship, in another act of the same year; and, finally, upon conveyances, upon chief rent, and on certain descriptions of leases, in the act of the present year. And though the duties ordinarily payable are comprised in the five acts above mentioned, the directions and regulations to be observed, and the penalties by which those directions and regulations are enforced, are scattered, here a little and there a little, through a multitude of statutes, which, but for the formidable list of them, occupying pages 853, 854, 855, 856, 857, and 858 of Tilsley, (this is a fact), I should have felt no hesitation in pronouncing to be innumerable. Indeed, it may fearlessly be affirmed, that these statutory regulations *as such*, save as regards a few of every-day application, legal practitioners are wholly ignorant, and are only saved from the consequences of disobedience by a cautious adherence to the traditional course of practice in which the spirit of the statutory rules is preserved.

But to return to the acts with which I set out. As regards the stamping of newly-prepared instruments, experience may enable the practitioner, in any ordinary case, to turn up readily the proper act, and the precise part of it where he may learn the duty he must pay; but if an instrument out of the common course should come before him, or if a question of exemption from duty should occur, even the tried and experienced lawyer soon finds that he is wandering in a labyrinth without a clue. Still more unfortunate is the practitioner who is called to investigate a title. He may be master of the law current in his own day; but for the purpose in hand this may avail him nothing. Every deed must stand or fall by the laws in force when it first saw the light; and to qualify the conveyancer for his task, he must be as familiar with the laws of that particular era of stamp legislation to which the instrument under consideration belongs, as with the most recent phase of the law. It may happen, therefore, that in perusing an abstract, going back but a very few years, the conveyancer may have occasion to display an acquaintance with four or five distinct codes.

This state of things is really too bad. It is surely enough for Government to levy contributions upon our pockets, without taxing so unmercifully our time and tempers. I repeat, that consolidation has become absolutely necessary. It is a debt due to the country, and

\* The commission consists of the Lord Chancellor, Lords Lyndhurst, Brougham, Wrottesley, and Campbell, the Chief Justice of the Common Pleas, the Chief Baron, the Lord Advocate, Mr. Walpole, Mr. Napier, Sir W. P. Wood, V. C., the law officers for the three kingdoms, and Mr. Bellenden Ker.



an effort is all that is wanting to discharge it. One short section formed on the model of that which repeals the usury laws would suffice to sweep away Mr. Tilsley's long list of statutes, and "all existing laws relating to stamp duties." Another section, equally short, might render reference to the past unnecessary, by declaring that instruments bearing any stamp should be deemed to be duly stamped. The rubbish of 200 years being thus cleared away, it would not, one would think, be difficult, by the help of past experience, to re-construct the law in a shape at once compact and intelligible—a result of which I should be the more hopeful if the draftsmen would condescend to submit their work to public criticism a few weeks before asking for it the sanction of Parliament. Without this precaution, we could look for nothing better than a repetition of the egregious blunders which have marked every recent effort at stamp legislation.

It would be ridiculous, however, to expect Government to take the initiative. A little wholesome pressure must be applied from without. Let the Law Societies then—particularly let the Incorporated Law Society—take the matter up. Let them give the Chancellor of the Exchequer no rest till he accede to, what even a Chancellor of the Exchequer must admit to be, a reasonable request.

I remain, Sir, your obedient servant,  
A SOLICITOR.

#### PUBLIC EXAMINATION OF STUDENTS.

At the public examination of the Students of the Inns of Court, held at Lincoln's Inn Hall, on the 30th and 31st October, and 1st November, 1854, the Council of Legal Education awarded to—

Alexander Edward Miller, Esq., student of Lincoln's Inn, a studentship of 60 guineas per annum, to continue for a period of three years.

William Smart, Esq., student of Lincoln's Inn, a certificate of honour of the first class.

Charles Andrew Prescott, Esq., student of Lincoln's Inn, M. Maxwell Philip, Esq., student of the Middle Temple, and Robert Scott, Esq., student of the Middle Temple, certificates that they have satisfactorily passed a public examination.

By order of the Council,  
(Signed) RICHARD BETHELL, Chairman.

Council Chamber, Lincoln's Inn,  
Nov. 3, 1854.

#### PUBLIC GENERAL STATUTES.

17 & 18 VICTORIA.—SESSION 2.

(Continued from p. 423).

##### CAP. CXVIII.

An Act to empower the Legislature of Canada to alter the Constitution of the Legislative Council for that Province, and for other Purposes. [11th August, 1854.]

##### CAP. CXIX.

An Act for regulating Appointments to Offices in the Court of Bankruptcy, and for amending the Laws relating to Bankrupts. [11th August, 1854.]

Sect. 1. Present vacancies not to be filled up except upon special order of Lord Chancellor.

2. Lord Chancellor may declare future vacancies not to be filled up, except upon special order.

3. Certain provisions of the 1 & 2 Will. 4, c. 56, s. 9, repealed, and registrars may be removed upon certificate of the Lords Justices.

4. Power to appoint a person to act as registrar temporarily.

5. Remuneration of a person appointed to act under last preceding section.

6. Power to appoint substitute in illness or unavoidable absence of commissioner or registrar.

7. Power to appoint substitute in reasonable absence of country commissioner or registrar.

8. Substitute to have like authority, &c.

9. Appointments of messengers and ushers.

10. Sect. 76 of stat. 5 & 6 Vict. c. 122, and sect. 49 of stat. 7 & 8 Vict. c. 96, repealed, and salaries of officers to commence from appointment.

11. Remuneration of official assignees.

12. Fees may be altered by order of Lord Chancellor.

13. Per-centage paid to chief registrar's account may be abolished or varied by order.

14. Power to fix maximum payable for fees.

15. Power to make General Orders.

16. Where declarations of insolvency to be filed.

17. Filing in country district court effectual.

18. Copies to be sent to chief registrar.

19. Copy certified by country registrar to be evidence.

20. Trader petitioning to shew 150l. assets.

21. Form of petition of trader.

22. Proof of assets to the amount of 150l. to be sufficient.

23. Messenger to follow instructions of official assignee.

24. Extension of time for disputing adjudication.

25. Excepted articles to be allowed to a bankrupt.

26. An inventory and valuation of the remainder of the bankrupt's household furniture, &c. to be made, which shall not be sold without the order of a commissioner.

27. If the bankrupt shall be entitled to any allowance, his household furniture, &c. to be taken in lieu of money.

28. Construction. Short title.

##### CAP. CXX.

An Act to repeal certain Acts and Parts of Acts relating to Merchant Shipping, and to continue certain Provisions in the said Acts. [11th August, 1854.]

Sect. 1. *Short Title of Act.*

2. *Interpretation of Terms in this Act.*

3. *Commencement of Act.*

4. *Repeal of Acts mentioned in Schedule.*

5. *Continuation of Local Marine Boards.*

6. *Construction of Sects. 4 and 9 of the Pilotage Law Amendment Act, 1853.*

7. *Expenses of Life Boats, &c. may be charged on Mercantile Marine Fund.*

8. *Existing Liabilities on Mercantile Marine Fund continued.*

9. *Provision as to Wages, &c. received before 1852.* 13 & 14 Vict. c. 102, s. 31.

10. *Receiver-General to conform to Directions of Board of Trade.*

11. *Powers of Board of Trade as to Appointment of Receivers.*

12. *Payment of Receivers.*

13. *Application of Fees.*

14. *Ninth Part of Merchant Shipping Act, 1854, to come into Operation immediately.*

15. *Mode of Procedure in Criminal Cases.*

16. *Penalty on Masters of Ships leaving certain Seamen in Distress in this Country.*

Whereas by the Merchant Shipping Act, 1854, the acts relating to merchant shipping are amended and consolidated, and it is expedient to repeal certain acts and parts of acts relating to merchant shipping, and to make temporary provisions with respect to certain of the matters referred to in the said acts: be it therefore enacted &c. as follows:—

Sect. 1. This act may be cited for all purposes as "The Merchant Shipping Repeal Act, 1854."

2. In the construction and for the purposes of this act the interpretation of terms contained in the Merchant Shipping Act, 1854, shall be considered as incorporated with and forming part of this act.

3. With the exception of such provisions of this act as are hereinafter expressly stated to be intended to come into operation immediately after the passing thereof, this act shall come into operation at the same time as the Merchant Shipping Act, 1854.

4. There shall be hereby repealed—

The several acts and parts of acts set forth in the first sche-

dule hereto, to the extent to which such acts or parts of acts are therein expressed to be repealed, and all such provisions of any other acts or of any charters, and all such laws, customs, and rules as are inconsistent with the provisions of the Merchant Shipping Act, 1854 :

Provided that such repeal shall not affect—

- (1.) Any provisions contained in the act of the 7 Will. 4, c. 79, as to title, application of purchase money, or borrowing money, and having relation to the power of purchasing lighthouses given to the Trinity House by the same act :
  - (2.) Any security duly given before this act comes into operation :
  - (3.) Any thing duly done before this act comes into operation :
  - (4.) Any liability accruing before this act comes into operation :
  - (5.) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before this act comes into operation :
  - (6.) The institution of any investigation or legal proceeding or any other remedy for ascertaining, enforcing, or recovering any such liability, penalty, forfeiture, or punishment as aforesaid :
  - (7.) Any appointment, bye-law, regulation, or license duly made or granted under any enactment hereby repealed, and subsisting at the time when this act comes into operation ; and the same shall continue in force, but shall be subject to such provisions of the Merchant Shipping Act, 1854, as are applicable thereto respectively.
5. The local marine boards, the members of which have been appointed or elected under the Mercantile Marine Act, 1850, shall continue to act until the 4th February, 1857, or until other boards have been constituted in lieu thereof in pursuance of the provisions of the Merchant Shipping Act, 1854.
6. The 4th and 9th sections of the Pilotage-law Amendment Act, 1853, shall be construed as if the fifth part of the Merchant Shipping Act, 1854, were therein referred to, in lieu of the act of the 6 Geo. 4, c. 125.
7. The Board of Trade may, out of the Mercantile Marine Fund, direct payment to be made of such expenses for establishing and maintaining on the coasts of the United Kingdom proper life boats, with the necessary crews and equipments, and for affording assistance towards the preservation of life and property in cases of shipwreck and distress at sea, and for the granting rewards for the preservation of life in such cases, as it thinks fit ; and this section shall come into operation immediately after the passing of this act.
8. Nothing in the Merchant Shipping Act, 1854, or in this act contained, shall operate to prevent the exercise of the powers contained in the 12th and 16th sections of the Merchant Shipping-law Amendment Act, 1853, of paying the debts, liabilities, and expenses therein mentioned out of the Mercantile Marine Fund : and whereas it was arranged that a sum, to be ascertained by the calculation of actuaries, should, before the said last-mentioned act came into operation, be paid by the Trinity House out of the cash balances then in their hands, for the purpose of supplying a deficiency in the funds of the Cinque Ports pilots, and of indemnifying the funds of the Trinity House pilots against any loss consequent upon the settlements to be made under the Pilotage-law Amendment Act, 1853 : and whereas, when the Merchant Shipping-law Amendment Act, 1853, came into operation, the said calculation was not completed : be it enacted, that such payment may, with the consent of the Board of Trade, be made by the Trinity House in the same manner as payment of the debts, liabilities, and expenses referred to in the said 12th section of the said last-mentioned act ; and this section shall come into operation immediately after the passing of this act.
9. All monies arising from any wages and effects of deceased seamen or apprentices to the sea service which were received before the 1st January, 1852, shall be applied in the same manner as if the same had been received under the provisions of the Merchant Shipping Act, 1854.
10. The Receiver-General of Droits of Admiralty shall, as to all things to be done by him in virtue of his office, conform

to all lawful directions given for that purpose by the Board of Trade ; and on a vacancy occurring in his office no successor shall be appointed, but thereupon all powers and privileges vested in such Receiver-General shall be transferred to the Board of Trade ; and this section shall come into operation immediately after the passing of this act.

11. Receivers appointed by the said Receiver-General, under the 10 Vict. c. 99, shall hold their offices only during the pleasure of the Board of Trade ; and the sergeants of the Admiralty of the Cinque Ports, their deputies or other officers, authorised to perform the duties and to exercise the powers within the jurisdiction of the Cinque Ports elsewhere performed and exercised by such receivers as aforesaid, shall perform and exercise the same only during the pleasure and subject to the directions of the Board of Trade ; and all such receivers, sergeants, deputies, and other officers as aforesaid shall possess in the several districts within which they have hitherto exercised their duties the same powers, rights, and privileges, and perform the same duties, as are by the said Merchant Shipping Act, 1854, vested in and committed to the receivers therein mentioned, save only that they shall not be entitled to take the command in cases of ships or boats stranded or in distress, unless authorised so to do by the Board of Trade.

12. There shall be payable to such receivers, sergeants, deputies, and other officers as aforesaid such fees and other remuneration as are by the said Merchant Shipping Act, 1854, made payable to receivers appointed thereunder, and payment thereof shall be made by the same persons and in the same manner, and shall be capable of being enforced by the same means, as payment of the fees or other remuneration payable to the receivers appointed under the Merchant Shipping Act, 1854, are payable or capable of being enforced, or as near thereto as circumstances permit ; and save as aforesaid, and saving also any expenses actually and properly incurred, no such receiver, sergeant, deputy, or other officer as aforesaid shall be entitled to demand or receive from any person any fees or other sums in respect of any services performed by him as receiver ; and this section shall come into operation immediately after the passing of this act.

13. All fees or other remuneration received by any such receiver, sergeant, deputy, or other officer as aforesaid, may be applied by him to his own use.

14. The provisions contained in the ninth part of the Merchant Shipping Act, 1854, shall come into operation at the same time as if the same were herein repeated, and were hereby expressed to be intended to come into operation immediately after the passing of this act ; and the following acts, that is to say, the 7 Geo. 2, c. 15, the 26 Geo. 3, c. 86, and the 53 Geo. 3, c. 159, shall be considered as repealed immediately after the passing of this act.

15. All criminal proceedings under the Seamen's Fund Winding-up Act, 1851, the Pilotage-law Amendment Act, 1853, the Merchant Shipping-law Amendment Act, 1853, or this act, shall be carried on in the same manner as similar proceedings under the Merchant Shipping Act, 1854 ; and all rules of law, practice, and evidence which are applicable to such last-mentioned proceedings shall be applicable to criminal proceedings under this act.

16. If a native of any country in Asia, Africa, or of any of the islands in the South Sea or the Pacific Ocean, or of any other country not having any consul in the United Kingdom, is brought to the United Kingdom in any ship, British or foreign, as a seaman, and is left in the United Kingdom, and within six months of his being so left becomes chargeable upon the poor rate, or commits any act by reason of the committal whereof he is liable to be convicted as an idle and disorderly person, or any other act of vagrancy, the master or owner of the said ship, or in case of a foreign ship the person who is consignee of the ship at the time of the seaman being so left as aforesaid, shall incur a penalty not exceeding 30*l.*, unless he can shew that the person so left as aforesaid quitted the ship without the consent of the master, or that due means have been afforded by such master, owner, or consignee, or one of them, to such person, of returning to his native country or to the country in which he was shipped ; and the Court inflicting such penalty may order the whole or any part of such penalty to be applied towards the relief or sending home of such person.

## SCHEDULE TO WHICH THIS ACT REFERS.

*Acts and Parts of Acts to be repealed.*

8 Eliz. c. 13—"An Act touching Sea Marks and Mariners."—*The whole Act, except sect. 5.*

11 Ann., st. 2, c. 18—"An Act for the preserving all such Ships and Goods thereof which shall happen to be forced on Shore or stranded on the Coasts of this Kingdom, or on any other of her Majesty's Dominions."—*So much as is not already repealed.*

4 Geo. 1, c. 12—"An Act for enforcing and making perpetual an Act of the twelfth Year of her late Majesty, intitled 'An Act for the preserving all such Ships and Goods thereof which shall happen to be forced on Shore or stranded upon the Coasts of this Kingdom, or on any other of her Majesty's Dominions;' and for inflicting the Punishment of Death on such as shall wilfully burn or destroy Ships."—*So much as is not already repealed.*

7 Geo. 2, c. 15—"An Act to settle how far Owners of Ships shall be answerable for the Acts of the Masters or Mariners."—*The whole Act.*

20 Geo. 2, c. 38—"An Act for the Relief and Support of maimed disabled Seamen, and the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service."—*So much as is not already repealed.*

26 Geo. 2, c. 19—"An Act for enforcing the Laws against Persons who shall steal or detain shipwrecked Goods, and for the Relief of Persons suffering Losses thereby."—*So much as is not already repealed.*

26 Geo. 3, c. 86—"An Act to explain and amend an Act made in the seventh Year of his late Majesty's Reign, intitled 'An Act to settle how far Owners of Ships shall be answerable for the Acts of the Masters or Mariners;' and for giving a further Relief to the Owners of Ships."—*The whole Act.*

26 Geo. 3, c. 101—"An Act for erecting certain Lighthouses in the Northern Parts of Great Britain."—*The whole Act.*

28 Geo. 3, c. 25—"An Act to render more effectual an Act passed in the twenty-sixth Year of his present Majesty's Reign, intitled 'An Act for erecting certain Lighthouses in the Northern Parts of Great Britain.'"—*The whole Act.*

29 Geo. 3, c. 52—"An Act to give further Powers to the Commissioners for erecting certain Lighthouses in the Northern Parts of Great Britain."—*The whole Act.*

38 Geo. 3, c. 1vii, (local and personal)—"An Act for incorporating the Commissioners appointed for erecting certain Lighthouses in the Northern Parts of Great Britain."—*The whole Act.*

46 Geo. 3, c. 106—"An Act to provide for the better Execution of the several Acts relating to the Revenues, Matters, and Things under the Management of the Commissioners of Customs and Port Duties, and of the Commissioners of Inland Excise and Taxes in Ireland."—*Sects. 75 and 76.*

46 Geo. 3, c. 132—"An Act for erecting a Lighthouse on the Bell or Cape Rock on the Eastern Coast of Scotland, and for enabling the Commissioners of the Treasury to advance a certain Sum of Money out of the Consolidated Fund of Great Britain towards that Purpose."—*The whole Act.*

48 Geo. 3, c. 130—"An Act for preventing the various Frauds and Depredations committed on Merchants, Shipowners, and Underwriters, by Boatmen and others, within the Jurisdiction of the Cinque Ports, and also for remedying certain Defects relative to the Adjustment of Salvage under a Statute made in the twelfth Year of the Reign of her late Majesty Queen Anne."—*The whole Act.*

50 Geo. 3, c. 95—"An Act to enable the Corporation for preserving and improving the Port of Dublin to erect, repair, and maintain Lighthouses round the Coast of Ireland, and to raise a Fund for defraying the Charge thereof."—*The whole Act.*

51 Geo. 3, c. 66—"An Act to amend and render more effectual several Acts for promoting the Trade of Dublin, by rendering its Port and Harbour more commodious, and for erecting, repairing, and maintaining Lighthouses round the Coast of Ireland, and to raise a Fund for defraying the Charge thereof."—*The whole Act, so far as relates to lighthouses and light dues.*

52 Geo. 3, c. 115—"An Act to make more effectual Provision for enabling the Corporation for preserving and improving the Port of Dublin to erect, repair, and maintain

Lighthouses and Lights round the Coasts of Ireland, and to raise a Fund for defraying the Charge thereof."—*The whole Act.*

53 Geo. 3, c. 159—"An Act to limit the Responsibility of Shipowners in certain Cases."—*The whole Act.*

54 Geo. 3, c. 136—"An Act for enabling the Commissioners of the Northern Lighthouses to purchase the Island and Light of May, at the Entrance of the Frith of Forth; for enabling the Commissioners of the Treasury to advance a certain Sum of Money towards that Purpose; and for amending several Acts in regard to the Northern Lighthouses."—*The whole Act.*

55 Geo. 3, c. 1xvii, (local and personal)—"An Act for enabling the Commissioners of the Northern Lighthouses to erect Lighthouses on the Isles of Man and Calf of Man."—*The whole Act.*

59 Geo. 3, c. 12—"An Act to amend the Laws for the Relief of the Poor."—*Sect. 32.*

1 & 2 Geo. 4, c. 76—"An Act to continue and amend certain Acts for preventing the various Frauds and Depredations committed on Merchants, Shipowners, and Underwriters, by Boatmen and others, within the Jurisdiction of the Cinque Ports, and also for remedying certain Defects relative to the Adjustment of Salvage under a Statute made in the twelfth Year of the Reign of her late Majesty Queen Anne."—*The whole Act, except Sects. 1, 2, 3, 4, 5, 15, 16, and 18.*

4 Geo. 4, c. 88—"An Act for regulating Vessels carrying Passengers between Great Britain and Ireland."—*The whole Act.*

6 Geo. 4, c. 125—"An Act for the Amendment of the Law respecting Pilots and Pilotage, and also for the better Preservation of Floating Lights, Buoys, and Beacons."—*The whole Act.*

9 Geo. 4, c. 86—"An Act to amend an Act for the Amendment of the Law respecting Pilots and Pilotage, and also for the better Preservation of Floating Lights, Buoys, and Beacons."—*The whole Act.*

11 Geo. 4, c. 20—"An Act to amend and consolidate the Laws relating to the Pay of the Royal Navy."—*Sect. 82.*

4 & 5 Will. 4, c. 52—"An Act to amend an Act of the twentieth Year of his Majesty King George the Second, for the Relief and Support of sick, maimed, and disabled Seamen, and the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service; and for other Purposes."—*So much as is not already repealed.*

5 & 6 Will. 4, c. 19—"An Act to amend and consolidate the Laws relating to the Merchant Seamen of the United Kingdom, and for forming and maintaining a Register of all the Men engaged in that Service."—*So much as is not already repealed.*

6 & 7 Will. 4, c. 79—"An Act for vesting Lighthouses, Lights, and Sea Marks on the Coasts of England in the Corporation of Trinity House of Deptford Strond; and for making Provisions respecting Lighthouses, Lights, Buoys, and Beacons, and Sea Marks, and the Tolls and Duties payable in respect thereof."—*The whole Act.*

1 & 2 Vict. c. 66—"An Act for maintaining a Lighthouse at Gibraltar, and respecting Lighthouses not within the United Kingdom."—*The whole Act.*

3 & 4 Vict. c. 68—"An Act to enable her Majesty in Council to authorise Ships and Vessels belonging to Countries having Treaties of Reciprocity with the United Kingdom to be piloted, in certain Cases, without having a licensed Pilot on board; and also to regulate the Mode in which Pilot Boats shall be painted and distinguished."—*The whole Act.*

7 & 8 Vict. c. 112—"An Act to amend and consolidate the Laws relating to Merchant Seamen, and for keeping a Register of Seamen."—*The whole Act.*

8 & 9 Vict. c. 86—"An Act for the General Regulation of the Customs."—*Sects. 45, 51, 53, and 140.*

8 & 9 Vict. c. 87—"An Act for the Prevention of Smuggling."—*Sect. 10.*

8 & 9 Vict. c. 89—"An Act for the registering of British Vessels."—*The whole Act.*

8 & 9 Vict. c. 116—"An Act for the Protection of Seamen entering on board Merchant Ships."—*The whole Act.*

9 & 10 Vict. c. 99—"An Act for consolidating and amending the Laws relating to Wreck and Salvage."—*The whole Act.*

12 & 13 Vict. c. 29—"An Act to amend the Laws in force for the Encouragement of British Shipping and Navigation."—*The whole Act.*

12 & 13 Vict. c. 88—"An Act to amend the Laws relating to Pilotage."—*The whole Act.*

13 & 14 Vict. c. 93—"An Act for improving the Condition of Masters, Matres, and Seamen, and maintaining Discipline in the Merchant Service."—*The whole Act.*

13 & 14 Vict. c. 95—"An Act to amend the Laws relating to the Customs."—*Sec. 14.*

14 & 15 Vict. c. 35—"An Act to extend the Benefits of certain Provisions of the General Merchant Seamen's Act, relating to Apprentices bound to the Sea Service, to Apprentices bound to the Sea Service by Boards of Guardians of the Poor of Ireland, and to enable such Guardians to place out Boys in the Naval Service."—*The whole Act, except sect. 10.*

14 & 15 Vict. c. 79—"An Act to consolidate and amend the Laws relating to the Regulation of Steam Navigation, and to the Boats and Lights to be carried by sea-going Vessels."—*The whole Act.*

14 & 15 Vict. c. 86—"An Act to amend the Mercantile Marine Act, 1850."—*The whole Act.*

14 & 15 Vict. c. 102—"An Act to amend the Acts relating to the Merchant Seamen's Fund, and to provide for winding up the said Fund, and for the better Management thereof in the Meantime."—*Sects. 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 61.*

16 & 17 Vict. c. 129—"An Act further to amend the Law relating to Pilotage."—*The whole Act, except sects. 3, 4, 5, 8, 10, 11, 12, 13, and so much of sect. 9 as relates to the recovery of pilotage rates by Cinque Ports pilots licensed before the Act came into operation.*

16 & 17 Vict. c. 131—"An Act to amend various Laws relating to Merchant Shipping."—*The whole Act, except sects. 12, 13, 24, 28, and 29.*

17 & 18 Vict. c. 5—"An Act to admit Foreign Ships to the Coasting Trade."—*Sec. 4.*

#### CAP. CXXI.

An Act to apply a Sum out of the Consolidated Fund and certain other Sums to the Service of the Year 1854, and to appropriate the Supplies granted in this Session of Parliament. [12th August, 1854.]

#### CAP. CXXII.

An Act for the further Alteration and Amendment of the Laws and Duties of Customs. [12th August, 1854.]

#### CAP. CXXIII.

An Act to render any Dealing with Securities issued during the present War between Russia and England by the Russian Government a Misdemeanour. [12th August, 1854.]

#### CAP. CXXIV.

An Act to settle the Contribution to be made by certain Baronies in Roscommon and Galway and the County of the Town of Galway to the Midland Great Western Railway of Ireland Company. [12th August, 1854.]

#### CAP. CXXV.

An Act for the further Amendment of the Process, Practice, and Mode of Pleading in and enlarging the Jurisdiction of the Superior Courts of Common Law at Westminster, and of the Superior Courts of Common Law of the Counties Palatine of Lancaster and Durham. [12th August, 1854.]

[See ante, p. 313.]

### London Gazettes.

FRIDAY, NOVEMBER 3.

#### BANKRUPTS.

**WILLIAM TYSON**, High-street, Marylebone, Middlesex, butcher, dealer and chapman, Nov. 9 and Dec. 14 at 11, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Tetts, Temple-chambers, Fleet-street.—Petition filed Oct. 28.

**HENRY THWAITES BAYLEY**, Canterbury, Kent, linen-draper, Nov. 10 at 1, and Dec. 20 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Heather, 17, Paternoster-row, London.—Petition dated Oct. 24.

**WILLIAM ANDREW MEYER**, Dartford, Kent, licensed victualler, innkeeper, dealer and chapman, Nov. 13 at 11, and Dec. 11 at half-past 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Stopher, 52, Cheapside.—Petition filed Nov. 2.

**ABRAHAM CORONEL**, Great Alie-street, Goodman's-fields, Middlesex, cigar manufacturer, dealer and chapman, Nov. 15 at 11, and Dec. 14 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Abrahams, 23, Southampton-buildings, London.—Petition filed Aug. 5.

**ROBERT GEORGE ROSE**, Cowley-terrace, North Brixton, Surrey, draper, dealer and chapman, Nov. 10 at half-past 1, and Dec. 20 at 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. J. & J. H. Linklater, 17, Siss-lane.—Petition filed Oct. 24.

**RICHARD CURTIS**, Southsea, Portsea, Southampton, corn and wine merchant, Nov. 11 at 11, and Dec. 18 at half-past 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Low, 65, Chancery-lane.—Petition filed Nov. 2.

**EDWARD CASTENDIECK**, Mincing-lane, London, ship agent and merchant, dealer and chapman, Nov. 11 at 2, and Dec. 18 at half-past 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Marten & Co., Mincing-lane.—Petition filed Nov. 2.

**HENRY JANNINGS**, Laurie-terrace, Westminster-road, Surrey, ironmonger, dealer and chapman, Nov. 14 at 2, and Dec. 12 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Paxon, 8, New Boswell-court, Carey-street.—Petition filed Nov. 2.

**JOHN THOMAS**, Upton-upon-Severn, Worcestershire, and Ledbury, Herefordshire, draper, dealer and chapman, Nov. 13 and Dec. 11 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Motteram & Knight, Birmingham; Jones, 15, Siss-lane, London.—Petition dated Oct. 2.

**ROWLAND BOSWORTH**, Leicester, oil merchant, dealer and chapman, Nov. 14 and Dec. 12 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Miles & Gregory, Leicester; Hodgson, Birmingham.—Petition dated Oct. 30.

**JOHN DUMBLE**, Sunderland, Durham, commission agent and ship Chandler, Nov. 9 and Dec. 14 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Hodgson, Birmingham; Brewin, Newcastle-upon-Tyne.—Petition filed Oct. 19.

**SAMUEL BELL**, Liverpool, confectioner, dealer and chapman, Nov. 14 and Dec. 6 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Fletcher & Hull, Liverpool.—Petition filed Oct. 31.

#### MEETINGS.

*Thomas Wheelton*, Bakewell, Derbyshire, tailor, Nov. 17 at 12, District Court of Bankruptcy, Manchester, ch. ass.—*Nicholas Kennedy*, Manchester, ivory turner, Nov. 16 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Nov. 24 at 12, div.—*William Lloyd Marshall*, Almondbury, Yorkshire, common brewer, Nov. 28 at 12, District Court of Bankruptcy, Leeds, aud. ac. and div.—*Lewis Cooke Hertelot*, Union-court, Broad-street, London, merchant, Nov. 28 at half-past 1, Court of Bankruptcy, London, div.—*Dan. Keith* and *Thomas Shoobridge*, Wood-street, Cheapside, London, warehousemen, Nov. 28 at 1, Court of Bankruptcy, London, div. sep. est. of *Dan. Keith*—*Joseph Whitmore*, Leicester, woolstapler, Dec. 5 at 10, District Court of Bankruptcy, Nottingham, aud. ac. and div.—*Robert Rimmer*, Southport and Seaforth, Lancashire, builder, Nov. 27 at 11, District Court of Bankruptcy, Liverpool, div.—*John Henry Whitfield* and *Francis Lyth*, York, builders, Nov. 27 at 11, District Court of Bankruptcy, Leeds, div. sep. est. of *F. Lyth*—*G. Jeeves*, Sheffield, Yorkshire, brush manufacturer, Nov. 25 at 11, District Court of Bankruptcy, Sheffield, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Joseph Wm. Hall*, Cardiff, Glamorganshire, dealer in agricultural implements, Nov. 28 at 11, District Court of Bankruptcy, Bristol.—*T. Wigfall*, Sheffield, Yorkshire, table-knife manufacturer, Nov. 25 at 11, District Court of Bankruptcy, Sheffield.—*John Chaplin* and *R. Wigley*, Leicester, curriers, Dec. 12 at 10, District Court of Bankruptcy, Nottingham.

*To be granted, unless an appeal be duly entered.*

**Wm. Whitehead and Mary Ann Whitehead**, Leicester, innkeepers.

#### PARTNERSHIPS DISSOLVED.

**Titus Bourne and Henry Titus Bourne**, Alford and Spilsby, Lincolnshire, attorneys-at-law, solicitors, and bankers, (under the firm of Bourne & Son).—**Charles George Bannister and Edward Bannister**, John-street, Bedford-row, Middlesex, solicitors, (under the name of Charles George Bannister & Son).

#### SCOTCH SEQUESTRATIONS.

**Geo. Wilson**, Elgin, bookseller.—**Thomas Fleming**, Marytown, Newport, Forgan, Fifeshire, farmer.—**Laurie & Glover**, Edinburgh, painters.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

**David Harrington**, Tunbridge Wells, Tunbridge, Kent, upholsterer, Nov. 16 at 10, County Court of Kent, at Tunbridge Wells.—**John Astley**, Nuneaton, Warwickshire, surveyor, Nov. 21 at 10, County Court of Warwickshire, at Nuneaton.—**Henry Bell**, Newmarket All Saints, Cambridgeshire, jockey, Nov. 17 at 3, County Court of Cambridgeshire, at Newmarket.—**Joseph Mustill**, Burwell, Cambridgeshire, baker, Nov. 17 at 3, County Court of Cambridgeshire, at Newmarket.—**John Hebblethwaite**, Manchester, provision-shop keeper, Nov. 27 at 12, County Court of Lancashire, at Manchester.—**Emanuel Mucklow**, Foleshill, Warwickshire, bricklayer, Nov. 22 at 12, County Court of Warwickshire, at Coventry.—**P. Menzies**, Alnwick, Northumberland, gardener, Nov. 23 at 10, County Court of Northumberland, at Alnwick.—**Samuel Holmes**, Shalford, Essex, innkeeper, Nov. 21 at 12, County Court of Essex, at Braintree.—**James Bird**, Easterford, Essex, tailor, Nov. 20 at 12, County Court of Essex, at Colchester.—**John E. Barker**, Dedham, Essex, tailor, Nov. 20 at 11, County Court of Essex, at Colchester.—**S. Jeffery**, Ipswich, Suffolk, cabinet maker, Nov. 17 at 9, County Court of Suffolk, at Ipswich.—**Ben Parry**, Aberdare, Glamorganshire, builder, Nov. 9 at 10, County Court of Glamorganshire, at Merthyr Tydvil.—**John Burk**, Swansea, Glamorganshire, licensed victualler, Nov. 14 at 10, County Court of Glamorganshire, at Swansea.—**Thomas W. Crosby**, Scarborough, Yorkshire, joiner, Nov. 22 at 11, County Court of Yorkshire, at Scarborough.—**Thomas Taylor**, Stottesden, near Cleobury Mortimer, Shropshire, blacksmith, Nov. 24 at 10, County Court of Shropshire, at Cleobury Mortimer.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Nov. 29 at 10, before the CHIEF COMMISSIONER.*

**George F. Buchanan**, Brecknock-crescent, Camden-road-villas, Camden-town, Middlesex, landscape painter.—**Wm. P. Castle**, Liquorpond-street, Gray's-inn-lane, Middlesex, licensed victualler.—**John Firmage**, Hereford-road, Westbourne-grove, Bayswater, Paddington, Middlesex, family tea dealer.—**Wm. James Butler**, Northumberland-street, New-road, St. Marylebone, Middlesex, cook.—**Jos. Goodchild**, Melbourne-place, Bethnal-green, Middlesex, ham dealer.—**G. Jones the elder**, Garnault mews, Garnault-place, Clerkenwell, Middlesex, cab proprietor.

*Jan. 17 at 10, before Mr. Commissioner MURPHY.*

**Joseph Salmon**, Præd-st., Paddington, Middlesex, cheesemonger.—**Timothy Browne**, Manor-street, Clapham-road, Clapham, Surrey, poulterer.—**Benj. Wm. Wallis**, Cotton-st., Poplar, Middlesex, baker.—**James M. Good**, Church-street, Bermondsey, Surrey, shoemaker.—**Wm. Elliott**, Richmond-grove, Barn-bury-park, Islington, Middlesex, out of employ.—**John Jennings**, Chapel-end, Walthamstow, Essex, carpenter.—**Richard J. Flesmore**, Hercules-buildings, Lambeth, Surrey, comedian.—**W. Goodge**, Grove-terrace, Clarendon-road, Notting-hill, Kensington, Middlesex, fishmonger.—**Edw. C. Price**, Circus-road, Gospel Oak-field, Kentish-town, Middlesex, cowkeeper.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Nov. 17 at 10, before the CHIEF COMMISSIONER.*

**William McDowell**, Hill-cottage, Shooter's-hill, Kent, insurance agent.

*Nov. 17 at 10, before Mr. Commissioner MURPHY.*

**Henry Towell**, Turnmill-street, Clerkenwell, Middlesex, licensed victualler.—**G. B. Barritt**, Grafton-road, Kentish-town, Middlesex, clerk in the Inland Revenue Office, Somerset House.—**Charles L. Bowes**, Prince's-terrace, York-road, Battersea, Surrey, builder.

*Nov. 18 at 11, before Mr. Commissioner PHILLIPS.*

**Wm. Peacock**, High-street, Sladwell, Middlesex, cheesemonger.—**John S. Rowe**, Little Britain, London, out of business.—**John Mee**, Crown-hill, Norwood, Surrey, linendraper.

*Nov. 20 at 10, before the CHIEF COMMISSIONER.*

**John Savage**, Blackfriars-road, Christchurch, Surrey, livery-stable keeper.—**John King**, Kensworth, Hertfordshire, dealer in hay.—**Robert Clark Shillam**, Waterloo-st., Camberwell, Surrey, clerk to a brewer.—**Robert Cook**, Churton-st., Pimlico, Middlesex, butcher.

*Nov. 20 at 11, before Mr. Commissioner PHILLIPS.*

**John Neighbour**, Albion-street, Caledonian-road, Pentonville, Middlesex, cook.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Glamorganshire, at CARDIFF, Nov. 17.*

**Harriet Joseph**, Merthyr Tydvil, out of business.—**David Prosser**, Werndew, near Bridgend, farm labourer.—**Thomas Francis**, Neath, butcher.

*At the County Court of Warwickshire, at WARWICK, Nov. 20 at 10.*

**John Brookes**, Birmingham, out of business.

*At the County Court of Yorkshire, at YORK, Nov. 20.*

**David Clayton**, Bingley, mechanic.—**Daniel Hartnett**, Sowerby, near Halifax, schoolmaster.—**Wm. Josling**, Bradford, shoemaker.—**James Glover**, Shipley, near Bradford, agent.—**Francis Chapman**, Castleford, near Pontefract, out of business.—**Thos. Pennington**, Castleford, near Pontefract, out of business.—**M. Clayton**, Castleford, near Pontefract, out of business.—**H. Hardy**, Little Horton, near Bradford, joiner.—**Lawrence Clapham**, Sawkland, near Settle, farm labourer.—**Wm. Pashley**, Leeds, boatman.—**Samuel Drake Webster**, Pudsey, grocer.—**Thos. Waite**, Bradford Moor, near Bradford, stonemason.—**Benjamin Wells**, Sister Hills, Bradford, out of business.—**Robert Myers**, Leeds, hay dealer.—**Wm. Scooby**, Middlesbrough-on-Tees, painter.—**Wm. Rud-dock**, Leeds, tailor.—**Joseph Lisle**, Sheffield, sheep-shear forger.—**Jos. Hepworth**, Huddersfield, dyer.—**George Burkinshaw**, York, out of business.—**Geo. Smith**, Saddleworth, out of business.—**Wm. Smith**, Saddleworth, out of business.—**Wm. Ripley**, Halifax, shoemaker.—**Abraham Whitehead**, Ovenden, near Halifax, grocer.—**Abraham Holt**, Bradford, brick manufacturer.—**Henry Ase**, Sheffield, out of business.

*At the County Court of Warwickshire, at COVENTRY, Nov. 22 at 12.*

**Robert Lloyd**, Birmingham, out of business.—**Wm. Hea-field**, Birmingham, bookster.—**Frederick Hurston**, Birmingham, ale and porter seller.—**Henry Christy Buller**, Birmingham, eating-house keeper.—**Thomas Harrison**, Aston, out of business.

*At the County Court of Northumberland, at MORPETH, Nov. 24 at 10.*

**Joseph Brand**, North Shields, builder.

#### TUESDAY, NOVEMBER 7.

##### BANKRUPTS.

**HENRY JOHN TODD**, Pancras-lane, London, warehouseman, commission agent, trader, dealer and chapman, Nov. 17 at 1, and Dec. 19 at 2, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury.—Petition filed Oct. 30.

**JAMES DUNGEY**, late of Brompton, but now of Rochester, Kent, grocer and tea dealer, dealer and chapman, Nov. 17 at half-past 1, and Dec. 19 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Stevens & Satchell, 6, Queen-street, Cheapside.—Petition filed Nov. 6.

**WILLIAM CROSS**, Melville-place, Hackney, Middlesex, printer, Nov. 17 at 12, and Dec. 18 at half-past 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Peddell, 142, Cheapside, London.—Petition filed Nov. 3.

**HENRY HADLOW**, Jewry-street, Aldgate, London, apothecary, dealer and chapman, Nov. 17 at half-past 2, and Dec. 19 at half-past 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Harris, 34A, Moorgate-street, London.—Petition filed Nov. 6.

**THOMAS BUNYARD**, Maidstone, Kent, grocer and licensed victualler, Nov. 16 and Dec. 21 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Morgan, Maidstone; Nichols & Doyle, Verulam-buildings, Gray's-inn.—Petition filed Nov. 3.

**EDWARD BUCHLER**, Cullum-street, London, merchant, (late carrying on business with Jacob Anton Holzhammer and Franz Tschurtschenthaler, of Botsen, Austria, under the firm of Edward Buchler & Co.), Nov. 17 at 11, and Dec. 21 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Crowder & Maynard, Coleman-street, London.—Petition filed Nov. 7.

**WALTER LONGHURST**, Queen's-buildings, Knightsbridge, Middlesex, builder, dealer and chapman, Nov. 20 at half-past 2, and Dec. 19 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Chidley, 19, Gresham-st., London.—Petition filed Nov. 2.

**JOHN WINKFIELD**, Greenwich, Kent, cement merchant, (trading under the style or firm of J. Winkfield & Co.), Nov. 10 at 12, and Dec. 20 at 11, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Aldridge & Bromley, 1, South-square, Gray's inn.—Petition dated Oct. 25.

**HENRY LÜCKING**, Corringham, Essex, grocer, dealer and chapman, Nov. 17 and Dec. 20 at 2, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. J. & J. H. Linklater, 17, Sise-lane, London.—Petition dated Nov. 3.

**WILLIAM WADE**, Northampton, leather seller, leather dresser, dealer and chapman, Nov. 21 at 11, and Dec. 19 at 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Butler, jun., 134, Tooley-street, Southwark.—Petition filed Nov. 3.

**ADOLPHE DEVIN** the younger, Red Lion-square, Holborn, Middlesex, wholesale jeweller and importer of foreign fancy goods, dealer and chapman, (trading under the style or firm of Adolphus Devin & Co.), Nov. 21 at half-past 1, and Dec. 19 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Heathfield, 8, Featherstone-buildings, Holborn.—Petition filed Nov. 6.

**JOSEPH GREENSTREET**, Leicester, commission agent and dealer in cigars, dealer and chapman, Nov. 21 and Dec. 12 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Haxby, Leicester; Motteram & Knight, Birmingham.—Petition dated Nov. 1.

**JOHN POLLARD**, South Cerney, Gloucestershire, miller, dealer and chapman, Nov. 21 and Dec. 19 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Mallings & Co., Cirencester; Bevan, Bristol.—Petition filed Oct. 17.

**JOHN FELL** and **JOHN LEAROYD**, Huddersfield, Yorkshire, woollen manufacturers and merchants, (trading under the style or firm of Fell & Learoyd), Nov. 17 and Dec. 15 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Clough & Bantoft, Huddersfield; Barker, Huddersfield; Bond & Barwick, Leeds.—Petition dated and filed Oct. 31.

**DANIEL JONES FYNNEY**, Liverpool, corn merchant, corn broker, dealer and chapman, Nov. 17 and Dec. 14 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Francis & Almond, Liverpool.—Petition filed Nov. 4.

**JOHN THORNTON** the elder and **JOSEPH RIDGWAY THORNTON**, Godley and Hyde, Cheshire, cotton waste dealers, (carrying on business in the name of John Thornton, and also of Joseph Ridgway Thornton), Nov. 23 and Dec. 21 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sol. Sutton, Manchester.—Petition filed Nov. 3.

**ESTHER BLENKY**, (sometimes called **ESTHER BLENK-HORN**), Liverpool, lodging-house keeper, dealer and chapwoman, Nov. 17 and Dec. 14 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sol. Yates, jun., Liverpool.—Petition filed Nov. 2.

**JOHN SAMUEL SMITH**, Liverpool, (trading at Manchester), drysalter, Nov. 24 and Dec. 22 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sol. Wilson, Manchester.—Petition filed Oct. 28.

**WILLIAM WALTHAM**, Yealand Conyers and Manchester, Lancashire; Higher Bentham and Lower Bentham, West Riding of Yorkshire; and Holme Mills, Milnthorpe, and Gate Beckall, Westmoreland, (trading under the firm of Waltham & Co.), flax merchant, spinner, and manufacturer, dealer and chapman, Nov. 23 and Dec. 14 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sols. Barlow & Aston, Manchester; Clark, Lancaster.—Petition filed Oct. 27.

#### MERRINGS.

*Richard Dean*, Bath-street, London-road, Southwark, Surrey, builder, Nov. 30 at half-past 11, Court of Bankruptcy, London, last ex.—*Frederick James West*, London-terrace, Hackney-road, Middlesex, draper, Nov. 28 at 2, Court of Bankruptcy, London, last ex.—*Thomas Deans*, Blackburn, Lancashire, draper, Nov. 17 at 12, District Court of Bankruptcy, Manchester, last ex.—*William Robinson*, Church-row, Limehouse, Middlesex, shipowner, Nov. 28 at half-past 11, Court of Bankruptcy, London, and ac.—*James Wisler Aldridge*, Witham, Essex, corn merchant, Nov. 23 at half-past 2, Court of Bankruptcy, London, and ac.—*W. Watson*, Weedon Beck, Northamptonshire, licensed victualler, Nov. 28 at half-past 2, Court of Bankruptcy, London, and ac.—*S. Cooper*, Lyndhurst-villas, Lyndhurst-road, Peckham, Surrey, carpenter, Nov. 23 at 2, Court of Bankruptcy, London, and ac.—*Timothy John Smith*, Windsor, Berkshire, dealer in cutlery, Nov. 28 at 12, Court of Bankruptcy, London, and ac.—*Horatio Claggett* and *Anthony Deale*, Leadenhall-street, London, patent ocean float manufacturers, Nov. 23 at 2, Court of Bankruptcy, London, and ac.—*James David Jones* and *Charles Gold*, Cheapside, London, eating-house keepers, Nov. 23 at 1, Court of Bankruptcy, London, and ac.—*Wm. Henry Fleming*, Camberwell, Surrey, brewer, Nov. 23 at 12, Court of Bankruptcy, London, and ac.—*Wm. Henry Unwin*, Belle-vue-terrace, Honor Oak, Forest-hill, Camberwell, Surrey, builder, Nov. 23 at half-past 1, Court of Bankruptcy, London, and ac.—*Wm. Matthews*, Waverley-road, Harrow-road, Paddington, Middlesex, builder, Nov. 23 at 11, Court of Bankruptcy, London, and ac.—*Wm. Barratt*, Stourbridge, Worcestershire, butcher, Nov. 25 at 12, District Court of Bankruptcy, Birmingham, and ac.—*Thomas Pitt*, Haselbury Plucknett, Somersetshire, girth manufacturer, Nov. 22 at 1, District Court of Bankruptcy, Exeter, and ac.; Nov. 30 at 1, div.—*Edward Coullate* and *Thomas Swindells*, Manchester, brokers, Nov. 21 at 12, District Court of Bankruptcy, Manchester, and ac.; Nov. 28 at 12, div.—*Benjamin Redfern*, Manchester, stonemason, Nov. 21 at 12, District Court of Bankruptcy, Manchester, and ac.; Nov. 28 at 12, div.—*Montgomery Gladstone* and *Joseph Creevy Bond*, Manchester, general brokers, Nov. 22 at 12, District Court of Bankruptcy, Manchester, and ac., and Nov. 29 at 12, div. sep. est. of *Joseph Creevy Bond*.—*R. Wilson*, Kingston-upon-Hull, stonemason, Nov. 29 at 12, District Court of Bankruptcy, Kingston-upon-Hull, and ac. and div.—*Thomas Colton Matthews*, Kingston-upon-Hull, brewer, Nov. 22 at 12, District Court of Bankruptcy, Kingston-upon-Hull, and ac.—*James Richardson*, *John Sanders Wicks*, and *Henry Smith*, Upper Queen's-buildings, Brompton, Middlesex, upholsterers, Nov. 29 at 2, Court of Bankruptcy, London, div.—*J. Haydon*, Barnstaple, Devonshire, draper, Nov. 28 at 12, Court of Bankruptcy, London, div.—*Joseph Goble*, Shoreham, Sussex, miller, Nov. 28 at 1, Court of Bankruptcy, London, div.—*Wm. Hodge*, Great Marlborough-street, Westminster, Middlesex, wholesale manufacturing stationer, Nov. 28 at 12, Court of Bankruptcy, London, fin. div.—*Ely Kitson*, Fenchurch-street, London, saddler, Nov. 28 at 11, Court of Bankruptcy, London, div.—*George Wren Le Grand*, Lambeth-walk, Surrey, grocer, Nov. 28 at 12, Court of Bankruptcy, London, div.—*Wm. Rolph*, Billericay, Essex, brewer, Nov. 28 at 12, Court of Bankruptcy, London, div.—*Valentine Rimell*, Hammersmith, Middlesex, timber merchant, Nov. 28 at 1, Court of Bankruptcy, London, div.—*Joseph Jenkinson Wells*,

Coventry, Warwickshire, haberdasher, Nov. 30 at 1, Court of Bankruptcy, London, div.—*George Edwin Tooley*, Evesham, Worcestershire, innkeeper, Nov. 20 at 10, District Court of Bankruptcy, Birmingham, aud. ac.; Dec. 4 at 10, div.—*E. Coltrill*, Redditch, Worcestershire, linendraper, Nov. 20 at 10, District Court of Bankruptcy, Birmingham, aud. ac.; Dec. 4 at 10, div.—*John Grant Menon*, Birmingham, stationer, Dec. 18 at 10, District Court of Bankruptcy, Birmingham, aud. ac. and fin. div.—*Henry Preston Goodwin*, Solihull, Warwickshire, tallow chandler, Dec. 4 at 10, District Court of Bankruptcy, Birmingham, div.—*Patrick Francis McKenna*, Egremont, Cheshire, wine merchant, Nov. 28 at 11, District Court of Bankruptcy, Liverpool, div.—*Wm. Laycock*, Liverpool, iron merchant, Nov. 28 at 11, District Court of Bankruptcy, Liverpool, div.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Eliza Mary Ager*, Hill-st., Walworth, and Victoria-terrace, Kennington, Surrey, baker, Nov. 29 at 1, Court of Bankruptcy, London.—*J. Cullen Penfold*, Park-terrace, Chelsea, Middlesex, oilman, Nov. 29 at half-past 1, Court of Bankruptcy, London.—*Wm. Robinson*, Church-row, Limehouse, Middlesex, shipowner, Nov. 28 at half-past 11, Court of Bankruptcy, London.—*John Stapp*, Snow-hill, London, wholesale cheesemonger, Nov. 28 at half-past 11, Court of Bankruptcy, London.—*George Johnston*, Vere-st., Oxford-street, Middlesex, veterinary surgeon, Nov. 30 at 1, Court of Bankruptcy, London.—*Gordon Henry Cripps*, Shrewsbury, Shropshire, wine merchant, Nov. 30 at 11, Court of Bankruptcy, London.—*George Sewell Green*, Aylesbury-street, Clerkenwell, Middlesex, grocer, Nov. 30 at 11, Court of Bankruptcy, London.—*Wm. Watson*, Weedon Beck, Northamptonshire, licensed victualler, Nov. 28 at half-past 2, Court of Bankruptcy, London.—*Timothy John Smith*, Windsor, Berkshire, dealer in cutlery, Nov. 28 at 12, Court of Bankruptcy, London.—*Frederick Hellyer*, New Brompton, near Chatham, Kent, wood carver, Nov. 30 at 1, Court of Bankruptcy, London.—*Julius Calisher*, Norfolk-street, Strand, Middlesex, jeweller, Nov. 30 at 12, Court of Bankruptcy, London.—*James Maynard*, Queen's-road West, Chelsea, Middlesex, butcher, Nov. 30 at 2, Court of Bankruptcy, London.—*John Milligan*, Chorlton-upon-Medlock, Manchester, draper, Nov. 30 at 12, District Court of Bankruptcy, Manchester.—*Alexander Smith*, Liverpool, merchant, Nov. 29 at 11, District Court of Bankruptcy, Liverpool.—*George Henry Fowdrinaier*, Shelton, Stoke-upon-Trent, Staffordshire, paper manufacturer, Nov. 30 at half-past 10, District Court of Bankruptcy, Birmingham.

To be granted, unless an Appeal be duly entered.

*Charles Staple* and *John Collyer*, Southampton, ship plumbers.—*George Howes*, Mortimer-road, Kingland, Middlesex, licensed victualler.—*J. Webb*, Rayleigh, Essex, grocer.—*George B. Medley*, Highbury-park North, Islington, Middlesex, and Great Tower-street and Lloyd's Coffee-house, London, underwriter.—*Caleb Pizzie*, Noble-street, London, and Haverhill, Suffolk, carpet manufacturer.—*Fred. Smith*, Standon, near Ware, Hertfordshire, miller.—*Melchor Lopez*, Fenchurch-street, London, and Oxford, cigar merchant.—*Thomas Stenhouse*, Friday-street, Cheapside, London, warehouseman.—*Simon S. Hitchcock*, Boxford, Suffolk, maltster.—*Wm. Astins*, Joiners' Hall-buildings, Upper Thames-street, London, and Upper Fountain-place, City-road, Middlesex, machine printer.—*Ward W. Arias*, Plymouth, Devonshire, ale merchant.—*Christian F. Kreimborg*, Langley-place, Commercial-road East, Middlesex, cheesemonger.—*John Westlake Wainwright*, Bridgewater, Somersetshire, builder.—*Elizabeth Salter*, Kerry, Montgomeryshire, mercer.—*Howard B. Fox*, Liverpool, metal broker.—*John Rawling*, Manchester, currier.—*Jeremiah Billingham* and *Jesse Billingham*, Cradley Heath, Staffordshire, chain makers.—*Samuel Siviter*, Brierley Hill, Staffordshire, ironfounder.—*George T. Chantry*, Birmingham, paper-box manufacturer.—*Richard Bench*, Birmingham, flour dealer.

## PETITION ANNULLED.

*Samuel Zagury*, Cullum-street, London, merchant.

## SCOTCH SEQUESTRATIONS.

*John Allen*, Glasgow, pianoforte maker.—*Joseph D. Torre*, Perth, merchant.—*Duncan Sinclair*, Glasgow, iron commission agent.—*James Aitken*, Kelso, cattle dealer.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Thomas Jones*, Liverpool, butcher, Nov. 13 at 10, County Court of Lancashire, at Liverpool.—*James Mitchell*, Liverpool, out of employment, Nov. 13 at 10, County Court of Lancashire, at Liverpool.—*John Thomas*, Liverpool, livery-stable keeper, Nov. 13 at 10, County Court of Lancashire, at Liverpool.—*John R. Day*, Liverpool, iron merchant, Nov. 13 at 10, County Court of Lancashire, at Liverpool.—*Francis Hall*, Liverpool, retailer of ale, Nov. 13 at 10, County Court of Lancashire, at Liverpool.—*Edward J. Morris*, Wednesbury, Staffordshire, schoolmaster, Nov. 18 at 10, County Court of Staffordshire, at Walsall.—*John Barcraft*, Forest of Rossendale, Lancashire, operative mechanic, Nov. 14 at 1, County Court of Lancashire, at Haslingden.—*John Hill*, Baptist End, near Dudley, Worcestershire, out of employ, Nov. 24 at 9, County Court of Worcestershire, at Dudley.—*Thomas Stevens*, Knowsley, near Prescott, Lancashire, coachman, Nov. 22 at 12, County Court of Lancashire, at St. Helens.—*John Gardner*, Birmingham, iron dealer, Dec. 9 at 10, County Court of Warwickshire, at Birmingham.—*Joseph Swadkin*, Birmingham, butcher, Dec. 9 at 10, County Court of Warwickshire, at Birmingham.—*George Bradley*, Birmingham, baker, Dec. 9 at 10, County Court of Warwickshire, at Birmingham.—*James Owen Clark*, Wolverhampton, Staffordshire, grocer, Nov. 21 at 9, County Court of Staffordshire, at Wolverhampton.—*Henry Heritage*, Bicester, Oxfordshire, currier, Nov. 27 at 11, County Court of Oxfordshire, at Bicester.—*Joseph Coles Redgrave*, Ipswich, Suffolk, saddler, Nov. 17 at 9, County Court of Suffolk, at Ipswich.—*Thomas W. Jewell*, surgeon of the Convict Prison at Portsea, Southampton, Nov. 25 at 11, County Court of Hampshire, at Portsmouth.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

Dec. 1 at 10, before the CHIEF COMMISSIONER.

*Septimus M. Slater*, Hayward-street, Nine Elms, Vauxhall, Surrey, out of employment.—*James Harrison*, Langton-avenue, Langton-street, Brick-lane, Old-street, St. Luke's, Middlesex, working silversmith.—*Richard Bunn*, Exeter-st., St. Luke's, Chelsea, Middlesex, coachman.—*Frederick J. K. Martin*, New-court, Farringdon-street, London, undertaker.—*Edmund Curties*, Canterbury-terrace, Manor-road South, Walworth, Surrey, clerk to a cheesemonger.—*R. Jordan*, Redcross-court, Golden-lane, Barbican, London, dealer in calves' heads.

Saturday, Nov. 4.

Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.

*Thomas A. Gates*, Southampton, builder, No. 78,711 C.; *Thomas Hall*, assignee.—*Wm. Pincombe*, Twitchin, Devonshire, out of business, No. 78,839 C.; *J. Smaldon*, assignee.—*James Bennett*, Capel St. Mary, Suffolk, wheelwright, No. 78,885 C.; *Wm. F. Codd*, assignee.—*Edward T. Curchin*, Market Weighton, Yorkshire, plumber, No. 78,452 C.; *James Holmes*, assignee.—*Sarah Jones*, Shelwick, Holmer, Herefordshire, in no trade, No. 78,299 C.; *R. Handley*, assignee.—*George Reeves* the younger, Leamington Priors, Warwickshire, out of business, No. 78,637 C.; *Frederick Jacobs*, assignee.

Saturday, Nov. 4.

Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—

(On their own Petitions).

*Henry R. Bristed*, Crescent, Lower Edmonton, Middlesex, railway clerk: in the Debtors Prison for London and Middlesex.—*Thomas Ward*, Park-street, Camden-town, Middlesex, commission agent: in the Debtors Prison for London and Middlesex.—*Paul Caruighi*, High Holborn, Middlesex, carver: in the Debtors Prison for London and Middlesex.—*Samuel*



*Y. Collins*, Victoria-terrace, Royal-road, Walworth, Surrey, commission coal merchant: in the Debtors Prison for London and Middlesex.—*Alfred J. Christley*, Sidney-place, Commercial-road East, Middlesex, butcher: in the Debtors Prison for London and Middlesex.—*Alexander H. Waugh*, Rathbone-place, Oxford-street, Middlesex, furnishing ironmonger: in the Debtors Prison for London and Middlesex.—*Thos. Bulfinch*, Chatham, Kent, ginger-beer maker: in the Debtors Prison for London and Middlesex.—*Harman Matthew Milton*, Hanover-st., Pimlico, Middlesex, horse dealer: in the Queen's Prison.—*John Charles Hardy*, Queen's-road West, Chelsea, Middlesex, manufacturer of slate enamel chimney-pieces: in the Debtors Prison for London and Middlesex.—*J. Williams*, Triangle, Hackney, Middlesex, warehouseman: in the Debtors Prison for London and Middlesex.—*Wm. Hutton*, Portman-place, Edgeware-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*James Warren Perrott*, London-street, Paddington, Middlesex, saddler: in the Debtors Prison for London and Middlesex.—*Wm. Middlebrooke*, Sheffield, Yorkshire, joiner: in the Gaol of York.—*Thos. Batty*, Mortomley, Ecclesfield, near Sheffield, Yorkshire, farmer: in the Gaol of York.—*John Hargraves*, Headingley, near Leeds, Yorkshire, bricklayer: in the Gaol of York.—*John Brookes*, Birmingham, out of business: in the Gaol of Warwick.—*Henry Brown*, Birmingham, out of business: in the Gaol of Warwick.—*Samuel Lamb*, Shrewsbury, Shropshire, in no business: in the Gaol of Shrewsbury.—*W. Dixon*, the younger, Newcastle-upon-Tyne, out of business: in the Gaol of Newcastle-upon-Tyne.—*John Muttonhead*, Heaton Norris, Lancashire, power-loom overlooker: in the Gaol of Lancaster.—*Richard Bradley*, Blackburn, Lancashire, provision dealer: in the Gaol of Lancaster.—*Thomas Madocks*, Birkenhead, Lancashire, provision dealer: in the Gaol of Lancaster.—*Thomas Heward*, Maidstone, Kent, out of employ: in the Gaol of Maidstone.—*William Paine Fisher*, Dartford, Kent, apothecary: in the Gaol of Maidstone.—*Edwin Blomeley*, Bury, Lancashire, waste dealer: in the Gaol of Lancaster.—*Stephen Smith*, Northampton, butcher: in the Gaol of Northampton.—*John G. Johnson*, Chesterton, Cambridgeshire, college servant: in the Gaol of Cambridge.—*W. Dixon Brown*, Salford, Lancashire, out of business: in the Gaol of Lancaster.—*John Wensley*, Green-lane, Old Swan, near Liverpool, plasterer: in the Gaol of Lancaster.—*John Poiser*, Manchester, cabinet maker: in the Gaol of Lancaster.—*John Lund*, New Wortley, near Leeds, Yorkshire, saddler: in the Gaol of York.—*Henry Bick*, Bristol, haulier: in the Gaol of Bristol.—*Andrew Harrison Penman*, North Shields, Northumberland, shoemaker: in the Gaol of Morpeth.—*John William Hunt*, Milton-road, Milton-next-Gravesend, Kent, grocer: in the Gaol of Maidstone.—*George Olding*, Southampton, builder: in the Gaol of Southampton.—*H. Hughes*, Liverpool, weigher in her Majesty's Customs: in the Gaol of Lancaster.—*Jas. Casey*, Preston, Lancashire, out of business: in the Gaol of Lancaster.—*Samuel Perrin*, Ardwick, Manchester, out of business: in the Gaol of Lancaster.—*Nathan Pearson*, Swinton, near Manchester, provision dealer: in the Gaol of Lancaster.—*George Pys*, Billington, near Blackburn, Lancashire, hand-loom cloth manufacturer: in the Gaol of Lancaster.—*J. Milligan*, Leigh, Lancashire, out of business: in the Gaol of Lancaster.—*John Roylance*, Manchester, baker: in the Gaol of Lancaster.—*John Greenwood*, Strangeways, Manchester, surgeon: in the Gaol of Lancaster.—*W. Thomson Muir*, Manchester, scene painter: in the Gaol of Lancaster.—*Mary Ann Bagworth*, Kelsby, Lincolnshire: in the Gaol of Lincoln.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Nov. 21 at 10, before Mr. Commissioner MURPHY.*

*Wm. Henry Wren*, Wellington-street, Chelsea, Middlesex, bricklayer.—*Fred. Wm. Wighman*, William-street, Devonport-street, Commercial-road East, Middlesex, clerk in the Audit Office, Somerset House, Strand.—*John Deane*, Sidney-street, Mile-end, Middlesex, manufacturer of druggists' sundries.

*Nov. 22 at 10, before the CHIEF COMMISSIONER.*

*Robert Smith*, Blyth, Northumberland, mariner.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Devonshire, at EXETER, Nov. 21 at 10.*

*James Strong*, Bonhay, Exeter, out of business.

*At the County Court of Shropshire, at SHREWSBURY, Nov. 21 at 10.*

*Samuel Lamb*, Mardol, Shrewsbury, in no business.—*Jonathan Holt*, Coventry, Warwickshire, attorney-at-law.—*Samuel Mellor*, Birmingham, out of business.

*At the County Court of Gloucestershire, at BRISTOL, Nov. 23 at half-past 10.*

*Henry Bick*, Bristol, haulier.

*At the County Court of Northumberland, at MORPETH, Nov. 24 at 10.*

*Andrew Harrison Penman*, North Shields, shoemaker.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Wm. Edgcomb*, Old Change London, stationer: 11d. in the pound.—*Paul Bienen*, Rupert-st., Haymarket, Middlesex, doctor of medicine: 6s. in the pound.—*George Glaentzer*, Richmond-street, Soho, Middlesex, hatter: 2s. in the pound.—*Francis Kemp*, Leeds, Yorkshire, paper-hanging manufacturer: 3s. 5d. in the pound.—*John Pike*, Rushton-street, Hoxton, Middlesex, cabinet maker: 3s. 6d. in the pound.—*Thomas Bonser* the younger, Devonshire-terrace, Barnsbury-park, Islington, Middlesex, assistant to a meat salesman: 4s. 3d. in the pound.

*Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn-fields, London, between the hours of 11 and 3.*

#### MEETING.

*Wm. Henry Rochfort*, King-street, Portman-square, Middlesex, Nov. 27 at 12, at Sudlow & Co.'s, 38, Bedford-row, London, sp. aff.

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# The Jurist

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We have no longer to inquire whether the fusion of law and equity is possible, for the process has already commenced and made great progress; and we may trust to the omnipotence of an act of Parliament for its being carried into effect in some form. The question, whether there is any reason in the nature of things, and in any, and if any what, cases, for either the antagonism or the mere division of jurisdiction which our Courts of law and equity have hitherto exhibited, has become one of immediate practical interest, so that he who investigates it may reasonably hope that if his inquiries lead him to the conclusion that there should be but one side to Westminster Hall, his speculations will not be barren of practical result.

The last Common-law Procedure Act has placed the common-law and equity courts on the same footing as respects discovery of facts and documents, the inspection of things, specific performance of contracts, the enforcement of simple trusts, express and implied, including the redemption of mortgages, (for we conceive that the new writ of mandamus may issue for the performance of any duty now recognised only in equity,

if the duty is one in the performance of which several persons have not distinct interests), certain cases of contribution, and injunction. It remains to be seen whether the common-law Courts will accept the offer of the equity Bar, and put themselves under a course of equity, and be guided by equity precedents, or will prefer to regard their new jurisdiction as one depending wholly on the letter of the act of Parliament, and in no way affected by the traditions and rules of Courts of equity. In exercising the jurisdiction by mandamus, there can be no doubt that the Courts will consider themselves bound by the language of the act to administer relief in many cases in which specific performance would be refused in equity.

With an equitable jurisdiction, then, in some cases greater than that which Courts of equity themselves possess, and with some of the machinery—perhaps all that is essential—by which Courts of equity have contrived to facilitate the exercise of their powers, the Courts of common law seem to be now deficient only in the following branches of equitable jurisdiction—the perpetuation of testimony; the settlement of boundaries; the administration of trusts in which several persons have distinct interests; certain cases of account, contribution, and partnership; the administration of assets; and the care and administration of the persons and estates of infants and lunatics. The jurisdiction, that is left to the Courts of equity may be shortly characterised and distinguished from that which is now shared with the Courts of common law, as relating to cases in which the Court undertakes the duty of deciding on and enforcing in one cause either various rights, wholly distinct and unconnected, except by their union in the same person, (infancy and lunacy), or the mutual rights of more than

two persons in relation to a common subject, which cannot be resolved by the simple decision of one issue or series of issues between two parties, (administration of assets and of trust estates, winding up of partnerships, &c.) In addition to this judicial jurisdiction, the Lord Chancellor in cases of lunacy, and the Court of Chancery in other cases, takes upon itself to perform the administrative duties of a guardian or trustee.

Is there any reason against extending the fusion to these remaining branches of jurisdiction? or rather is there any reason for keeping up the Court of Chancery as a separate judicial establishment? for with respect to its merely administrative duties, it is obvious that they have nothing to do with the Courts considered as seats of judgment, and might be administered in any office established for the purpose, under the direction, as to questions of right, either of a Court of equity or of a Court of mixed or consolidated jurisdiction. To the question so put there can be, it seems to us, but one answer. There is no branch of the law which may not come under consideration in the decision of a case between two persons; and so far as familiarity with the law is concerned, a common-law judge must, therefore, be as competent to administer equity among a dozen persons, each having a separate interest in a common subject, as between two. So far, then, as the qualifications of the Court or of the Bar are concerned, there can be no reason for confining these *polygonal* cases to a separate Court and Bar. The only peculiarity which is incident to them is the form of procedure; but if the continuance of their present exemptions from the jury lottery is conceded, there is obviously no impediment to the decision of such cases by a Court of common law which could not be readily overcome by very simple arrangements.

If, then, the experiment which has just been commenced should prove successful—of which we do not entertain the slightest doubt—it must, we conceive, be very soon followed by the entire extinction of the Court of Chancery as a judicial establishment, and the modification of the common law by the introduction or substitution of qualifications or rules drawn from the doctrines of equity. This reform of the common law, in which the judges have at this moment to take the initiative, is no common task. It will require all the learning and all the labour that can be brought to the work; it will require also, if we are to have any creditable result, an abandonment of prejudices, and a conscientious investigation of the physiology, if we may so express it, of the law, for which the advocates and judges who are to take a leading part in this noble service will have been ill-prepared by their professional education and habits. Lord Mansfield, who, from the fusion of the English common law with the customs of merchants, evolved the principles of the existing English commercial law, and whose judgment, in attempting to introduce equitable principles into other branches of the law, is condemned by nothing but his defeat, would have been equal to the present crisis. Let us hope that the opportunity now offered of eclipsing his fame will not be lost.

The fusion of law and equity, when it is accomplished, will be but an instalment of the reform that

is needed in our judicial arrangements. The numerous judicial establishments of limited jurisdiction, by which, in addition to the great Chancery and Common-law Courts, the harmony of the law as a system is disturbed, exist on no defensible principle. We have one Court for deciding certain questions relating to maritime affairs, another for deciding testamentary questions, another for bankruptcy, another for elections, and so forth; and yet there is scarcely a principle of law with which any one of these Courts is conversant which the ordinary Courts of common law may not on some occasion have to consider and apply. These Courts, therefore, in their judicial capacity, in no measure relieve the ordinary Courts from the obligation of omniscience; but they keep up and tend to increase anomalies, and obstruct the amendment and simplification of the law. The principles of the law, as administered in the common-law courts, are applicable to maritime cases, to testamentary matters, to the contract of marriage and its results, to bankruptcy, to elections. There is scarcely a conceivable social relation or transaction which may not furnish matter for decision by a common-law judge; and to intrust the same Court with a jurisdiction extending to every case requiring the judicial application of any branch of the English law would in no degree add to the multifariousness of the learning at present required of its members, while it would relieve them from all the rubbish and perplexities incident to the present system of divided jurisdiction. Singleness and universality of jurisdiction once established—a body of judges and lawyers administering one single system once organised—the scientific amendment and simplification of the law would proceed rapidly and safely. We do not despair of this. The barriers of prejudice have been broken by the late act; the next and most pressing step is that which we urged in our last number—the purification and consolidation of the statutes and reports.

## OF INJUNCTIONS.

(Continued from p. 378).

Whether the Court will grant an injunction on the *prima facie* title of the patentee, or will send him to law first, depends on a careful consideration of the circumstances of each particular case.

If there has been possession for a considerable time under letters-patent, although the Court may have considerable doubt whether the patent is valid, it will nevertheless protect it by injunction until the right can be tried at law. (*Harmer v. Playne*, 14 Ves. 130; *Boulton v. Bull*, 3 Ves. 140; *Hill v. Thompson*, 3 Mer. 622; see also *Kay v. Marshall*, 1 My. & C. 373, in which Lord Cottenham, referring to these cases, approved their principle, and applied them to a case on demurrer, p. 388 et seq.)

But although a patent should be of long standing, yet if there has not been undisturbed exclusive possession of long duration, and doubt is thrown on the title, the Court will refuse an injunction. (*Collard v. Aleson*, 4 My. & C. 487; *Curtis v. Cutts*, 8 L. J., Ch., 184). And although on a trial of the right at law a verdict is found for the plaintiff, yet if a rule nisi for a new trial is obtained, the Court will still consider the right undetermined at law. And if a patent has been but recently granted, and its validity has not been established at law, and the defendant denies and throws doubt on such validity, equity will not in general act

upon its own notions of the validity or invalidity of the patent, and grant an immediate injunction without more, (*Hill v. Thompson*, 3 Mer. 622), but will send the plaintiff to law before it will grant an injunction. The Court, however, possesses and exercises great latitude. (*Bacon v. Jones*, 4 My. & C. 433).

If, however, an injunction has been granted in protection of a patent, of which the exclusive enjoyment has been undisturbed for several years, and the defendant is guilty of great delay in coming to dissolve it, the Court will not press on the plaintiff to try his right at law at an inconveniently early period. (*Bickford v. Snowes*, 8 L. J., Ch., 188).

It was held in an early case (*Baskett v. Cunninghame*, 2 Eden, 137) that on a conflict between parties, both claiming under patents, the Court could not grant an injunction till the rights had been tried at law. There is no modern decision overruling this doctrine as to a conflict between two patents.

From the cases referred to, it will be perceived, that wherever there is any considerable doubt as to the validity of the patent at law, an injunction is either not granted at all, or is only granted on terms, in order to prevent irreparable damage before the title can be tried at law.

The ultimate object of a bill in equity to protect a patent is a perpetual injunction, which can in general only be granted at the hearing; and it has been very lately decided, that where a patentee files a bill alleging infringement, and praying an account and perpetual injunction, but does not immediately or within any reasonable time apply for an interlocutory injunction, he cannot have a perpetual injunction at the hearing, if the defendant raises a question as to the validity of the title; nor will he be allowed to retain the bill, with liberty to bring an action. The course the Court will adopt in such a case is to dismiss the bill, with costs. (*Bacon v. Jones*, 1 Beav. 382; S. C., on app., 4 My. & C. 433).

But as an injunction suit to restrain infringement of a patent rarely comes to a hearing, the point generally calling for consideration in reference to injunctions on this subject is, whether there is such an extent of doubt on the title, or on the right of the plaintiff to ask for assistance in support of it, as to induce the Court to refuse an injunction, or to grant it only on terms. (See on this *Harmer v. Playne*, 14 Ves. 130).

To obtain an injunction *ex parte* against an alleged infringer, the plaintiff ought to swear, at the time of making the application, to his belief that he is the original inventor; (3 Mer. 624; *Sturz v. De la Rue*, 5 Russ. 322); for although when he obtained his patent he might have very honestly sworn as to his belief of such being the fact, yet circumstances may have subsequently intervened, or information have been communicated, sufficient to convince him that it was not his own original invention, and that he was under a mistake when he made his previous application. And where a patentee has not accompanied his bill by a sufficient affidavit on this point, and fails in sustaining his injunction on other grounds, it will be dissolved with costs on this. (*Sturz v. De la Rue*, 5 Russ. 322).

Equity will restrain other persons from selling after the expiration of the patent, as well as before it, articles piratically made during the continuance of the patent. (*Crossley v. Beverley*, 1 Russ. & M. 166, note).

## Review.

*The British Commonwealth; or, a Commentary on the Institutions and Principles of British Government.* By HOMERSHAM COX, M. A., Fellow of the Cambridge Philosophical Society, Barrister at Law, and Author of *Treatises on the Differential and Integral Calculus*. Post 8vo., pp. 600. [Longmans.]

THIS exposition of the existing political, judicial, and administrative machinery of the British Government is an able performance, and will probably take its place as a text-book in the universities. The theoretical disquisitions are not diffuse, and the expository part is singularly clear, and so concise that the various topics included in the following extensive programme are adequately disposed of in a space not exceeding that occupied by Blackstone's first volume, (without the notes):—

*The Principles of Government.*—1. The duties of Government. 2. The rights of Government; social contract, &c. 3. The divisions of the offices of Government.

*The Legislature.*—4. The British Legislature: assembling, prorogation, and dissolution of Parliament, &c. 5. The legislative power of the Crown. 6. The legislative power of the House of Lords; constitutional value of the Upper House; balance of power, &c. 7. Procedure in Parliament. 8. Passing of public bills. 9. Passing of private bills; objections to the present practice, &c. 10. Parliamentary documents. 11. Supply, and Ways and Means. 12. Cabinet and political parties; evils of party government, &c. 13. The purposes of parliamentary representation; class representation considered. 14. Parliamentary franchise; extent of constituencies. 15. Parliamentary suffrage. 16. Parliamentary elections. 17. The nature and authority of public opinion. 18. Public meetings and the press. 19. Commissions of inquiry.

*Judicature.*—20. Divisions of law; sources of law, &c. 21. The Courts of Parliament and Privy Council. 22. The Court of Chancery. 23. The superior courts of common law. 24. Trial of actions at law. 25. Writs issued judicially. 26. Criminal trials at common law. 27. Trial by jury. 28. Courts of local jurisdiction: assizes, nisi prius, Central Criminal Court, justices of the peace, county courts, bankruptcy, admiralty, &c.

*Administrative Government.*—29. The royal prerogative; succession to the Crown; forms of government compared &c. 30. Parliament; the Privy Council and its committees. 31. The Secretaries of State. 32. The fiscal administrative offices. 33. Military and naval offices. 34. Boards constituted by acts of Parliament. 35. Local administrative government; central and local government; municipal, county, and parochial officers, &c.

*International Government.*—36. International statutes, treaties, &c.; diplomatic negotiations and officers; international executive; slave trade; armies and navies; balance of power discussed.

*Colonial Government.*—37. Colonies defined; historical illustrations; government of colonies; colonial taxation; judicature; colonies classified and enumerated; principles of colonial government.

*Conclusion.*—Remarks on the mutual responsibility of governing bodies and the vitality of the English Constitution.

No attempt has been made to give a systematic and detailed account of the British Constitution since the time when Blackstone performed the task upon sound Tory principles, assuring his readers that there never had been an alteration made in the law that men had not afterwards found reason to regret. The merits of Blackstone's Lectures will secure their immortality; nothing that can be written will displace them from

the list of institutional works; but their faults and defects were such as to call for a companion or supplementary treatise, even at the time of their delivery; and the immense changes that have since come upon almost every branch of the Constitution have doubled the urgency of the want. Mr. Serjeant Stephen undertook his "New Commentaries" with all the confidence of incapacity, only expressing a doubt whether it was "reasonable to suppose that the plan would be found *entirely* free from defect, or the execution from inaccuracy." The plan, however, was Blackstone's, altered as one might alter the plan of a house by transposing the front and back rooms: the execution, done on the Vinerian Lectures, such as modern humanity revolts at, only to be paralleled by the embowelling, quartering, and other cookery formerly awarded to traitors. All the merit of the New Commentaries is comprised in the tolerably accurate citation of modern statutes and decisions.

Mr. Cox does not invite any comparison with Blackstone, still less does he undertake to displace him, but leaving the historical investigation of the subject to be pursued in the first book of the Vinerian Lectures, in Hallam, and elsewhere, he treats of the Constitution as it exists at the present day, endeavours to distinguish the vital from the formal parts of institutions, and to describe them according to their working results, taking occasion during this survey to point out defects as well as excellencies, and on the whole to make a panegyric on the Constitution which is satisfactory because it is discriminating.

Mr. Cox's view of things appears to us to be generally clear and philosophical, but his abstract disquisitions are rather suggestive than complete; he is more often happy in criticising the definitions of others than in framing his own, and he sometimes disappoints his reader, after opening up an investigation in a very hopeful manner, by unaccountably leaving it half finished. Thus, upon Blackstone's definition of public and private wrongs, that "the former are an infringement or 'privation of the private or civil rights belonging to individuals, considered as individuals, and are therefore 'frequently termed civil injuries; the latter are a branch 'of public rights and duties which affect the whole community, and are distinguished by the harsher appellation of crimes and misdemeanours," Mr. Cox remarks that this is no more than giving public and private wrongs other names, and establishes no definition of them, as the infringement of every right affects the whole community; and, after further illustration, he proceeds—"It appears to me, however, that a simple 'but sufficient distinction between private and public 'wrongs is, that the former infringes upon rights which 'are essentially *individual*, the latter on rights which 'are essentially *general*." But this is merely Blackstone's definition in fewer words, and it is condemned by the remark cited above. An injury to the property or to the person of another may be criminal or not, according to circumstances, and a criminal injury may at the same time entitle the injured person to a civil remedy; but in every case it is an infringement upon an essentially individual right—an individual right which the public has a general interest in maintaining. There is, in fact, no difference between the two classes of public and private wrongs which are intended both by Blackstone and by Mr. Cox, except with regard to the remedy. Considered merely as wrongs, they are undistinguishable. Those wrongs which entitled the injured party to compensation or restitution from the offender are, while considered in connexion with that remedy, private wrongs; and those wrongs which it is thought expedient to restrain by inflicting a punishment on the offender, independently of any recompense to the injured party, are public wrongs; and the same wrong may be in one aspect private, and in another public.

There is, indeed, a division of wrongs into public and private, which is essential, and wholly irrespective of the remedy, but that is not the division under consideration—we mean the distinction between injuries or offences which affect individuals, and injuries or offences which affect the community, independently of any individual damage; of which latter kind are various offences against the Constitution or public order, such as treason, bribery, perjury on criminal trials, smuggling, mutiny, &c.

An instance of the other defect above alluded to may be seen in the conclusion of the otherwise excellent chapter on the stability of the English Government. The element of stability last mentioned in the chapter is the important but generally misunderstood one of the royal prerogative; and the consideration of this is opened in a manner which leads one to expect a satisfactory exposition of its working. No such thing. We are told that the prerogative is a regulating and controlling power, and how the influences of a wise sovereign, a virtuous sovereign, an illustrious sovereign, a patriotic sovereign, and an energetic sovereign, respectively operate to the desired end. Very well knowing, as we do, that neither hereditary nor any other kind of succession can render any one of these qualities permanent in a dynasty, we look next to be informed by what contrivances our Constitution is made to extract an equally, or at least a sufficiently, beneficial regulating and controlling effect out of a foolish, a lying, a dissolute, a bigoted, an ambitious, or a pig-headed sovereign, a king of cousins, a tailor king, or a king log. This is what the course of the argument leads us to expect; and this might have been done. We find, instead of this, something which converts the chapter into a dedication out of place—and there an end.

These blemishes, however, are few, and are more noticeable because they occur in a work of considerable merit. If we have dwelt too much on them, the following extract from the chapter on public opinion will make amends:—

"But though consentience gives weight to an opinion, 'it cannot of itself prove it. There have been cases in 'which the judgment of one man has prevailed against 'that of all the world beside. There was a time when 'public opinion universally declared the earth to be 'immoveable: it moved nevertheless. It were an endless task to cite from history the occasions in which 'the judgment of whole nations has gone astray in 'matters of the most momentous importance to their 'welfare. Far more brief would be the task of enumerating the instances in which the national judgment has directed political action in according with 'wisdom and justice only. The same sort of public 'opinion which reared the golden calf at Horeb enthroned the goddess of reason in Notre Dame at Paris. 'In the one case, the lawgiver, by the strength of a 'wisdom not his own, brake the idol; in the other, it 'had been well for France to have possessed rulers 'mighty, in like manner, to resist public opinion. And 'can we say that such public opinion is extinct? Dare 'we affirm that public opinion has ceased to set up the 'golden calf and the altar of reason? Or do we need 'more solemn rebuke of the pride of humanity, which 'exalts popular judgment overmuch? To the end of 'time will resound the warning echo of that fearful cry, 'Not this man, but Barabbas.'

"If we trust to the teaching of history, we must look 'for other tests of the accuracy of public opinion besides that which mere consentience affords. Public 'judgment is not exempt from all the infirmities of individual judgment; on the contrary, while on the one 'hand it possesses one claim to accuracy which private 'judgment does not possess, on the other hand public 'judgment is subject to a cause of error to which pri-



vate judgment is not subject. The claim to accuracy peculiar to public as distinguished from private judgment is the process of *elimination* of private prejudices and predilections already mentioned. Where the opinion pronounced is the broad result of the comparison of many opinions, it must contain that part only of them which is common to them: the necessity of concord in pronouncing a public opinion requires the concession of individuals that their peculiar 'crotchets' shall remain unexpressed.

"The source of error peculiar to public as distinguished from private opinion arises from sympathy. No one can have calmly noted the demeanour of a public assembly without observing the infectiousness of the feeling of the majority. Many a politician has obtained a majority of votes by confident assertion that he is secure of it. This influence of social sentiment will often induce an assembly to commit acts of folly and violence, of which its members would individually be incapable. It has been a matter of common observation, that no cruelty is less sparing, no prejudice more intolerant, no mania more completely destitute of reason, than that of an impassioned multitude. Men who individually are humane, tolerant, and sensible, collectively are comparatively incapable of exercising their feelings and judgment voluntarily. By mutual pressure their thoughts are wont to become confluent, like many waters mingling in a current, and flowing all by one way; often by a very devious way, through barren plains; often by a self-destructive way, over vortices insatiable, and treacherous quicksands; often by a dark way, through gulfs and chasms which the light of Heaven does not penetrate; often by a way of violence and destruction, down mountain steeps, through rocky barriers, and over sudden precipices; sometimes by a right way, a noble stream flowing calmly and magnificently onwards, fertilising the earth, and bearing rich freights of blessings for the whole human race.

"The proper tests of the reasonableness of public opinion do not greatly differ from those by which the value of private opinion ought to be estimated. I say 'ought to be estimated,' because the way in which the value of an opinion, public or private, is estimated, and the way in which it ought to be estimated, are often very different. A most dogmatical and confident assertion of an opinion, an importunate reiteration of it, ridicule, or denunciation of opposition to it, fluency and felicity in expressing it, and fertility in illustrating it, adaptation in time and place to the feelings of those to whom it is addressed, will almost inevitably gain for it an amount of assent denied to cautious abstract reasoning. But let us consider what evidence the circumstances under which an opinion is expressed really afford of its correctness. To prevent the complication of this question with any other—that is, to judge of the value of an opinion *solely* from the manner in which it is formed—we must suppose that either we do not know what the opinion is, or have no opinion of our own on the subject on which it is expressed, or refrain from comparing the two opinions. In either such case our confidence in the opinion of another will reasonably depend on an estimate of his knowledge of the subject, of his power of reasoning correctly on similar subjects, of his deliberation and impartiality in exercising that power. The absence of either of these elements deprives his opinion of weight. If, moreover, by subsequent experience, the anticipations of his opinion be partially confirmed, it acquires additional weight.

"Simple as these considerations are, they afford the means of avoiding much error in estimating the value of public opinion. But, in applying them for that purpose, we are met by this difficulty—in estimating the value of a private opinion, we usually know some-

thing of the abilities exercised in forming it; in estimating the value of a public opinion, we are frequently driven, by the absence of that knowledge, to infer, from external signs, the existence of the correlative intrinsic elements of value. The degree of knowledge on which a public opinion is founded is to be estimated by considering the opportunities which the class forming that opinion have had of acquiring knowledge respecting it, and the extent to which they have probably availed themselves of those opportunities. Of the degree of public information on any topic, the frequency of public discussion is a partial, but not always a safe, test; for in public discussion, by speaking and writing, the most interesting view of a question is very frequently preferred to the most instructive view of it; and if the question be one which requires for its right understanding critical knowledge and difficult research—one essentially involving numerous complicated details of statistics, history, or policy, respecting which the state of literature shews that there is no public curiosity—the public zeal, without knowledge upon such a question—the zeal which is usually the greater the more complete the want of knowledge—may be simply regarded as highly useful to a popular 'ministry.'

"Of the external tests of the value of a public opinion, its gradual and quiet progression is, perhaps, that least liable to error. The permanence of an opinion affords evidence of the absence of transitory errors; the generality of an opinion, of the absence of local errors. If an opinion be slowly formed, continually progressive, and calmly expressed, it is almost certainly the result of deliberation verified by experience. But, under a system of party government, public opinion, while quiescent, has little influence; however clearly it may be perceived that a majority of intelligent opinions is in favour of any important political measure, it is seldom adopted till the public voice is roused by opposition to demand it clamorously. 'There is,' says an admirable modern essayist respecting this subject, 'a good deal in modern government which seems to me very rude and absurd. There comes a clamour, partly reasonable; power is deaf to it, overlooks it, says there is no such thing; then great clamour; after a time power welcomes that, takes it to its arms, says that now it is loud it is very wise, wishes it had always been clamour itself\*.'

#### COMMON-LAW CAUSE LIST, MICHAELMAS TERM, 1854.

##### Court of Queen's Bench.

##### ADDITIONAL NEW TRIAL PAPER.

MICH. TERM, 1854.	Stafford—Farley v. Danks
Midd.—Young v. White & ors.	Huntingdon—Reg. v. Inhabs.
" Webster v. Johnson	of Bedfordshire
" Griffenhoofe v. Dabuz	Suffolk—Brown v. Shane
" Hodgson v. Harrison	North'ton—Warren v. Ireson
Wilts—Kendall v. Wilkinson	& an.
Bristol—Allen v. Thompson	York—Sadler v. Henlock
" Hill v. Stephens	" Jennings v. Roberts
Herts—Reg. v. Inhabitants of Sandon	Durham—Wakley & ors. v.
Essex—Tucker v. Maitland	Backhouse & ors.
Kent—Taylor v. Vansittart	Northumberland—Crafter v.
Sussex—Robinson v. Robinson	Archbold
Glo'ster—Roberts and Wife v. Phillips & an.	Carlisle—Pears v. Harding
Salop—Lloyd & ors. v. Earl of Powis	Liverpool—Hartley v. Ponsonby
Stafford—Duke of Devonshire v. Redfern	" Hocking v. Ponsonby
	" Steel v. Schomberg
	" Reg. v. Petrie
	Tried during Term.
	Midd.—Hartshorne v. James.

\* Friends in Council, b. 1, c. 6.

LOCAL AND PERSONAL ACTS,  
DECLARED PUBLIC, AND TO BE JUDICIALLY NOTICED.  
17 & 18 VICTORIA.—SESSION 2.

## CAP. i.

An Act for better supplying with Gas the Town of Middleton, and the Neighbourhood thereof, in the County Palatine of Lancaster.

## CAP. ii.

An Act to enable the London Life Association to increase the Amount authorised by their Deed of Settlement to be assured upon a single Life in the said Society.

## CAP. iii.

An Act for granting further Powers to the Radcliffe and Pilkington Gas Company.

## CAP. iv.

An Act to enable the Leeds New Gas Company to raise a further Sum of Money; to consolidate and amend the Acts relating to the Company; and for other Purposes.

## CAP. v.

An Act for enabling the Brighton, Hove, and Preston Constant Service Waterworks Company to purchase the Undertaking of the Brighton, Hove, and Prestoa Waterworks Company; and for granting to the first-named Company all necessary Powers for supplying with Water the Parishes of Brighton, Hove, and Preston, in the County of Sussex.

## CAP. vi.

An Act for incorporating and extending the Powers of the Hastings and St. Leonards Gas Company.

## CAP. vii.

An Act for enabling the Norwich Equitable Fire Assurance Company to sue and be sued in that Name; and for other Purposes.

## CAP. viii.

An Act for the Improvement of the Borough of Warrington, and for enabling the Council thereof to erect a covered Market; and for other Purposes.

## CAP. ix.

An Act to warp and improve certain Lands in the Level of Hatfield Chase.

## CAP. x.

An Act for enabling the Nettingham Waterworks Company to raise a further Sum of Money; and for amending some of the Provisions of the Act relating to such Company.

## CAP. xi.

An Act to consolidate the Stock and Powers of the Corporation of the Royal Exchange Assurance of Houses and Goods from Fire with the Stock and Powers of the Corporation of the Royal Exchange Assurance, and to confer on the last-named Corporation the Powers of the Royal Exchange Assurance Annuity Company and the Royal Exchange Assurance Loan Company, and to give additional Powers to the Royal Exchange Assurance.

## CAP. xii.

An Act to confer additional Powers upon the Corporation of the Amicable Society for a Perpetual Assurance Office, for the Purposes of Investment.

## CAP. xiii.

An Act to enable the Dock Company at Kingston-upon-Hull to raise a further Sum of Money, and to convert the Mortgage and Bond Debt of the Company into Debenture Stock and Perpetual Annuities; and for other Purposes.

## CAP. xiv.

An Act for establishing a Police Superannuation Fund in the Borough of Liverpool.

## CAP. xv.

An Act to make further Provision for the Sewerage, Sanitary Regulation, and Improvement of the Borough of Liverpool.

## CAP. xvi.

An Act for better supplying with Water the Town of Southport, in the County Palatine of Lancaster, and the Neighbourhood thereof.

## CAP. xvii.

An Act for supplying with Gas Ramsbottom and other Places in the Parish of Bury, in the County Palatine of Lancaster.

## CAP. xviii.

An Act for enabling the Rosendale Waterworks Company to raise a further Sum of Money.

## CAP. xix.

An Act for enabling the Scarborough Public Market Company to raise a further Sum of Money, and for amending and consolidating the Provisions of the Act relating to such Company.

## CAP. xx.

An Act for lighting with Gas the Borough of Bolton and Places near thereto, and for other Purposes, and of which the Short Title is, "The Bolton Gas Company's Act, 1854."

## CAP. xxi.

An Act for continuing the Term and amending and extending the Provisions of the Act relating to the Kingswood District of Turpike Roads, in the County of Gloucester.

## CAP. xxii.

An Act for repealing the Stafford Gas Act, 1846; and for re-constituting the Stafford Gas Company, with additional Powers; and for other Purposes.

## CAP. xxiii.

An Act to enable the Barry Port Company to raise additional Capital, and to make Arrangements for the Satisfaction of the Mortgage and other Debts due from the Company; and to amend the Acts relating to the Company; and for other Purposes.

## CAP. xxiv.

An Act to enable the Whitehaven Junction Railway Company to raise a further Sum of Money, and to amend the Acts relating to the said Railway.

## CAP. xxv.

An Act for improving and maintaining the Harbour or Port of Port Gordon, in the County of Banff.

## CAP. xxvi.

An Act for lighting with Gas Bacup, Waterfoot, Newchurch, Rawtenstall, Crawshaw Booth, and other Places in the Forest of Rossendale, in Lancashire.

## CAP. xxvii.

An Act for supplying with Water the Town and Municipal Borough of Clitheroe, in the County of Lancaster.

## CAP. xxviii.

An Act for enabling the Mayor, Aldermen, and Citizens of the City of Manchester to widen certain Streets in and otherwise improve the said City; to raise a further Sum of Money; and for other Purposes.

## CAP. xxix.

An Act to amend an Act intitled "An Act for incorporating the Madras Railway Company, and for other Purposes connected therewith."

## CAP. xxx.

An Act for better supplying the Inhabitants of the Parish of Harrow, in the County of Middlesex, with Water.

## CAP. xxxi.

An Act for the Improvement of the City of Hereford, and for other Purposes, and of which the Short Title is, "The Hereford Improvement Act, 1854."

(To be continued).

## London Gazettes.

FRIDAY, NOVEMBER 10.

## BANKRUPTS.

**FRANCIS PINN**, Queen's-buildings, Knightsbridge, and Stockbridge-terrace, Piccadilly, Middlesex, baker, dealer and chapman, Nov. 17 at 12, and Dec. 21 at 2, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Fitch, 23, Southampton-street, Bloomsbury.—Petition filed Nov. 9.

**JAMES ARTHUR MILES**, Pancras-lane, London, brass founder and commission agent, dealer and chapman, Nov. 18 at 12, and Dec. 23 at 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. J. & J. H. Linklater, 17, Sise-lane, London.—Petition filed Nov. 8.

**GEORGE JOHN PHILIPS**, Cannon-street West, London, hosier, Nov. 18 at 2, and Dec. 23 at half-past 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Davidson & Bradbury, Weavers'-hall, Basinghall-street.—Petition filed Nov. 7.

**MARY DEW**, Lower Heyford, Oxfordshire, grocer, draper, ironmonger, carpenter, and timber merchant, dealer and chapwoman, Nov. 17 at half-past 1, and Dec. 23 at 2, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Mallam, Oxford; J. & J. H. Linklater, 17, Sise-lane, London.—Petition filed Oct. 27.

**HENRY BILLITER**, Robert-street, Grosvenor-square, Middlesex, leather seller, Nov. 22 at half-past 2, and Dec. 20 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Barn, Frederick-place, Old Jewry.—Petition filed Nov. 7.

**THOMAS WEBB**, late of West Ham-lane, Essex; now of Cullum-street, London; St. Heliers, Island of Jersey; and Phillbrook Farm, Leyton, Essex, distiller, dealer in spirits, corn merchant, dealer and chapman, Nov. 21 at 11, and Dec. 21 at half-past 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. J. & J. H. Linklater, 17, Sise-lane, London.—Petition filed Nov. 7.

**JOSEPH HART**, High-street, Wapping, Middlesex, corn dealer, baker, jobmaster, and carman, Nov. 17 at half-past 12, and Dec. 21 at half-past 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. J. & J. H. Linklater, 17, Sise-lane, Bucklersbury, London.—Petition filed Nov. 7.

**JOHN FOX**, Ashbourne, Derbyshire, scrivener, money broker, trader, dealer and chapman, Nov. 21 and Jan. 2 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sol. Ingle, Belper.—Petition dated Nov. 7.

**ELEANOR PINGREE ROBERTSON**, Gloucester, innholder and vintner, Nov. 22 and Dec. 19 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Bevan & Girling, Bristol.—Petition filed Nov. 7.

**GEORGE WILLIAMS**, Ebbw Vale, near Newport, Monmouthshire, late of Monmouth, draper, dealer and chapman, Nov. 21 and Dec. 19 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Leman & Humphrys, Bristol; Sale & Worthington, Manchester.—Petition filed Oct. 28.

**JOHN PRICE**, Newport, Monmouthshire, linendraper, dealer and chapman, Nov. 24 and Dec. 22 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Blakey, Newport; Castle & Co., Bristol.—Petition filed Nov. 1.

**JAMES PEDLEY DEANE**, Manchester, merchant, dealer and chapman, Nov. 23 and Dec. 15 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Herniman; Sols. Cunliffe & Co., Manchester.—Petition filed Nov. 6.

## MEETINGS.

*Charles Davis* and *John Eaton*, Surbiton-hill, Kingston-upon-Thames, Surrey, builders, Nov. 22 at 12, Court of Bankruptcy, London, last ex.—*John Clark*, Belvedere-road, Lambeth, Surrey, butcher, Nov. 21 at 2, Court of Bankruptcy, London, last ex.—*Simeon Stanfield*, Little Hulton, Lancashire, cotton spinner, Nov. 23 at 12, District Court of Bankruptcy, Manchester, last ex.—*Thomas Robinson*, Hexham, Northumberland, carrier, Nov. 21 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*George Webb*, Shoreditch, Middlesex, cheesemonger, Nov. 22 at 12, Court of Bankruptcy, London, and ac.—*Charles Tindal Griffiths*, Woodford Bridge, Essex, underwriter, Nov. 28 at 2, Court of Bankruptcy, London, and ac.—*Gordon H. Cripps*, Shrewsbury, Shropshire, wine merchant, Nov. 30 at 11, Court of

Bankruptcy, London, and ac.—*Julius Cuthbert*, Norfolk-st., Strand, Middlesex, jeweller, Nov. 30 at 12, Court of Bankruptcy, London, and ac.—*James A. Bell*, Great Baddow, Essex, hop merchant, Nov. 30 at 2, Court of Bankruptcy, London, and ac.—*Alfred Henry Edgley*, Botesdale, Suffolk, innkeeper, Dec. 1 at 12, Court of Bankruptcy, London, and ac.—*Robert Mason*, Manchester, stationer, Nov. 22 at 12, District Court of Bankruptcy, Manchester, and ac.; Dec. 4 at 12, div.—*George Haweslock* and *Matthew B. Robson*, Monkwearmouth, Durham, shipbuilders, Dec. 5 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac., and Dec. 7 at 12, fin. div. sep. est. of *Matthew B. Robson*.—*Christopher T. Potts*, Sunderland, Durham, shipowner, Dec. 5 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*Joseph Nicholson*, Lane Head Sparket, Greystoke, Cumberland, cattle salesman, Nov. 28 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*W. Bullock*, Warwick, ironmonger, Nov. 22 at 10, District Court of Bankruptcy, Birmingham, and ac.—*James Critchley Holt*, Halifax, Yorkshire, innkeeper, Nov. 30 at 11, District Court of Bankruptcy, Leeds, and ac.; Dec. 1 at 11, div.—*James Dyson*, Huddersfield, Yorkshire, draper, Nov. 30 at 11, District Court of Bankruptcy, Leeds, and ac.; Dec. 1 at 11, div.—*George Jones*, Sheffield, Yorkshire, brush manufacturer, Nov. 25 at 11, District Court of Bankruptcy, Sheffield, and ac.—*James Burgin*, Sheffield, Yorkshire, tailor, Dec. 2 at 11, District Court of Bankruptcy, Sheffield, and ac. and div.—*Jacob Dove*, Leeds, Yorkshire, courier, Dec. 4 at 11, District Court of Bankruptcy, Leeds, and ac. and div.—*Robert Derham*, Leeds, Yorkshire, and *Walter A. Hinde* and *James Derham*, Dolphinholme, Lancashire, worsted spinners, Nov. 21 at 11, District Court of Bankruptcy, Leeds, and ac.—*Wm. Grand*, Lower Tottenham, Middlesex, builder, Dec. 1 at 1, Court of Bankruptcy, London, div.—*Henry Chown*, St. Swithin's-lane, London, and Croydon, Surrey, wine merchant, Dec. 1 at 1, Court of Bankruptcy, London, div.—*Henry Bennett*, Christchurch, Hampshire, linendraper, Dec. 1 at 2, Court of Bankruptcy, London, div.—*David Allen*, Coleman-street and Lothbury, London, merchant, Dec. 1 at 1, Court of Bankruptcy, London, div.—*John Hamker*, Duke-street, Lincoln's-inn-fields, Middlesex, builder, Dec. 1 at 2, Court of Bankruptcy, London, div.—*John Taylor*, Fore-street, Cripplegate, London, draper, Dec. 1 at 12, Court of Bankruptcy, London, fin. div.—*Thomas C. Hawke*, Little Abington-street, Westminster, Middlesex, coal merchant, Dec. 1 at 12, Court of Bankruptcy, London, fin. div.—*James Bateman*, Southampton-buildings, Middlesex, broker, Dec. 1 at 2, Court of Bankruptcy, London, div.—*Thomas Bush*, *Hugh Ferguson*, and *Duncan M. Liddell*, London-street, London, and Calcutta, merchants, Dec. 2 at half-past 1, Court of Bankruptcy, London, div.—*Wm. Theo. Lambert*, Jermyn-street, St. James's, Middlesex, patent medicine vendor, Dec. 2 at 2, Court of Bankruptcy, London, div.—*Christian Drake*, Garlick-hill, London, drysalter, Dec. 2 at 1, Court of Bankruptcy, London, div.—*Samuel Sharp* and *Wm. L. Middleton*, Leeds, Yorkshire, printers, Dec. 5 at 12, District Court of Bankruptcy, Leeds, div.—*James Woodden*, Manchester, eating-house keeper, Nov. 24 at 11, District Court of Bankruptcy, Manchester, last ex.

## CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Washington Yarroll* and *Thomas Hallam*, High-street, Borough, Surrey, tailors, Dec. 2 at 1, Court of Bankruptcy, London.—*Alfred H. Edgley*, Botesdale, Suffolk, innkeeper, Dec. 1 at 12, Court of Bankruptcy, London.—*John Smith* and *Luke Ashby*, Great Coram-street, Brunswick-square, Middlesex, linendrapers, Dec. 1 at half-past 1, Court of Bankruptcy, London.—*Alfred Burrows*, Mile end, near Stockport, Cheshire, silk manufacturer, Dec. 4 (and not Dec. 15, as previously advertised) at 12, District Court of Bankruptcy, Manchester.—*Robert Mason*, Manchester, stationer, Dec. 4 (and not Dec. 15, as previously advertised) at 12, District Court of Bankruptcy, Manchester.—*John Thornley*, Bolton-le-Moors, Lancashire, drysalter, Dec. 5 at 12, District Court of Bankruptcy, Manchester.—*Thomas Kington*, Liverpool, carrier, Dec. 6 at 11, District Court of Bankruptcy, Liverpool.—*Kaberry Kettlewell*, Leeds, Yorkshire, silversmith, Dec. 1 at 11, District Court of Bankruptcy, Leeds.—*James Taylor*, Ovenden, near Halifax, Yorkshire, worsted spinner, Dec. 19 at 11, District Court of Bankruptcy, Leeds.

*To be granted, unless an Appeal be duly entered.*

*George Lambourn*, Taplow, Buckinghamshire, timber merchant.—*Francis Wildbore*, Wisbeach, Cambridgeshire, hotel keeper.—*Henry Wilson*, Old Swindon, Wiltshire, grocer.—*Thomas Gadd*, New Fishbourne, Sussex, farmer.—*Henry J. Ashley*, Newbury, Berkshire, artificial manure merchant.—*Thomas Cummins*, Gateshead, Durham, painter.—*James A. Howard* and *Jonathan Howard*, Hollingwood, Lancashire, joiners.—*Henry Richard Halsted*, Bradford, Yorkshire, wool-stapler.—*Henry Swire*, Skipton, Yorkshire, worsted manufacturer.—*John Sayer*, Sheffield, Yorkshire, draper.—*Wm. Alder Vincent*, Wolverhampton, Staffordshire, printer.—*S. Stainton*, Birmingham, licensed victualler.

#### SCOTCH SEQUESTRATIONS.

*John Ryan*, Dundee, commission agent.—*George Brown & Sons*, Arbroath, tanners.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*W. Rimmer*, Liverpool, beer-house keeper, Nov. 13 at 10, County Court of Lancashire, at Liverpool.—*Edward Bovingdon*, Amersham, Buckinghamshire, butcher, Nov. 13 at 11, County Court of Buckinghamshire, at Chesham.—*William Pryor*, Olney, near Welwyn, Hertfordshire, baker, Nov. 17 at half-past 10, County Court of Hertfordshire, at Hitchin.—*John Byerlee*, Saltaab, Cornwall, grocer, Dec. 14 at 11, County Court of Devonshire, at East Stonehouse.—*Martha Serle*, Aberaman, Glamorganshire, licensed victualler, Nov. 14 at 10, County Court of Glamorganshire, at Swansea.—*James Twigger*, Bedworth, Warwickshire, ribbon weaver, Nov. 21 at 10, County Court of Warwickshire, at Nuneaton.—*Thomas Devey*, Wolverhampton, Staffordshire, baker, Nov. 21 at 9, County Court of Staffordshire, at Wolverhampton.—*James Wellerd*, Hastings, Sussex, butcher, Nov. 27 at 11, County Court of Sussex, at Hastings.—*Daniel Powley*, Great Yarmouth, Norfolk, flour seller, Nov. 27 at 12, County Court of Norfolk, at Great Yarmouth.—*Edward Cattermole*, Great Yarmouth, Norfolk, out of business, Nov. 27 at 12, County Court of Norfolk, at Great Yarmouth.—*Matthew Frost*, Newton St. Cyres, Devonshire, shoemaker, Dec. 4 at 10, County Court of Devonshire, at Crediton.—*John Lees*, Oldham, Lancashire, tin-plate worker, Nov. 17 at 12, County Court of Lancashire, at Oldham.—*Charles Boughey*, Dudley, Worcestershire, tailor, Nov. 24 at 9, County Court of Worcestershire, at Dudley.—*Wm. Guest*, Parkes-lane, Princes End, Staffordshire, roller, Nov. 24 at 9, County Court of Worcestershire, at Dudley.—*James Pring*, Kirkham, Gittisham, Devonshire, shoemaker, Nov. 22 at 11, County Court of Devonshire, at Honiton.—*Wm. Ayling*, Brighton, Sussex, painter, Nov. 18 at 10, County Court of Sussex, at Brighton.—*Hannah Hanson*, Halifax, Yorkshire, grocer, Nov. 24 at 10, County Court of Yorkshire, at Halifax.—*Samuel Fleming*, Halifax, Yorkshire, labourer, Nov. 24 at 10, County Court of Yorkshire, at Halifax.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Jan. 18 at 11, before Mr. Commissioner PHILLIPS.*

*Joseph Woraker*, Whiskin-street, Clerkenwell, Middlesex, chandler-shop keeper.—*Henry Swanton*, Roupell-st., Cornwall-road, Lambeth, Surrey, carcass butcher.—*Fred. Richard Salmon*, Upper Sydenham, Kent, butcher.—*John Mode*, Freeman's-lane, Horselydown, Surrey, lighterman.—*Robt. Jones*, Church-end, Willesden, Middlesex, blacksmith.—*William Hentsch*, Laurie-terrace, Westminster-road, Southwark, Surrey, surgeon.—*Benjamin Butcher*, Manchester-st., Argyle-square, King's-cross, Middlesex, dealer in milk.—*Richard J. Winmill*, Rowland's-row, Stepney, Middlesex, out of business.

*Jan. 24 at 10, before Mr. Commissioner MURPHY.*

*Henry Foulds*, Gedling-st., Dockhead, Bermondsey, Surrey, clerk at a chapel.—*Edmund Bere*, Artesian-place, Richmond-road, Bayswater, Middlesex, baker.—*George Edgley* and *Geo. Salisbury Edgley*, Trafalgar-place, Lock's-fields, Walworth, Surrey, wheelwrights.—*Levy Jacobs*, Harrow-alley, Houndsditch, London, out of business.—*Henry Alfred Buckeridge*,

Anne-street, York-road, Lambeth, Surrey, chandler-shop keeper.—*John Sadler*, Sun Tavern-fields, St. George's-in-the-East, Middlesex, broker.—*Robert Rowe Knott*, Carlisle-st., Soho-square, Middlesex, chaplain to the West London Union, West Smithfield.—*Geo. Wilson*, Enfield-highway, Middlesex, market gardener.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Nov. 24 at 10, before the CHIEF COMMISSIONER.*

*Mark Brown*, Great Marlborough-street, Middlesex, dairyman.—*Alfred Joseph Christey*, Sidney-place, Commercial-road East, Stepney, Middlesex, butcher.

*Nov. 24 at 11, before Mr. Commissioner MURPHY.*

*William Wilkinson*, Albert-terrace, Notting-hill, Middlesex, teacher of music.

*Nov. 25 at 11, before Mr. Commissioner PHILLIPS.*

*William Schild*, Great Suffolk-street, Southwark, Surrey, baker.

*Nov. 27 at 10, before the CHIEF COMMISSIONER.*

*Henry Richard Bristed*, Crescent, Lower Edmonton, Middlesex, clerk to the Oxford, Worcester, and Wolverhampton Railway Company.—*Wm. Dunsford*, Upper Berkeley-street, Portman-square, Middlesex, saddler.

*Nov. 27 at 11, before Mr. Commissioner PHILLIPS.*

*Paul Carughi*, High Holborn, Middlesex, thermometer manufacturer.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Lancashire, at LANCASTER,*

*Nov. 24 at 11.*

*Robert Boadle*, Mount Barrow, near Ulverston, farm servant.—*Thos. Maddocks*, Birkenhead, near Liverpool, provision dealer.—*George Pye*, Billington, near Blackburn, handloom cloth manufacturer.—*Robert Bradley*, Blackburn, provision dealer.—*Andrew Cockshut*, Blackburn, provision dealer.—*Hugh Hughes*, Liverpool, weigher in her Majesty's Customs.—*William T. Muir*, Manchester, scene painter at the Theatre Royal, Manchester.—*John Roylance*, Manchester, baker.—*William Dixon Brown*, Salford, out of business.—*R. Loll*, Standishgate, Wigan, cabinet maker.—*Samuel Perrins*, Newton Hyde, near Manchester, provision-shop keeper.—*J. Wensley*, Whitefield-village, near Liverpool, plasterer.—*Wm. Duckworth*, Bury, out of business.—*James Lees*, Hurstbrook, near Ashton-under-Lyne, out of business.—*George Cooper*, Hulme, Manchester, commission agent.—*Edwin Blomely*, Bury, and Wood-st., London, general warehouseman.—*James Flynn*, Liverpool, stay maker.—*Henry Sagar*, Padilham, out of business.—*Thomas Wadsworth*, Manchester, out of business.—*John Mottershead*, Heaton Norris, near Manchester, power-loom overlooker.—*George Cadman*, Heaton Norris, near Manchester, out of business.—*Wm. Wayne Benson*, Preston, out of business.—*Robert Tinker*, Manchester, out of business.—*James Casey*, Preston, out of business.—*John Greenwood*, Manchester, surgeon.—*J. Milligan*, Leigh, out of business.—*Meyer Grabowski*, Manchester, dealer in clocks.—*Henry James*, Liverpool, plumber.—*David Walker*, Manchester, grocer.—*Wm. Williams*, Manchester, saddler.—*Bernard Cannon*, Manchester, clothes dealer.—*W. M'Millan*, Manchester, out of business.—*Samuel Blackley*, Preston, labourer.—*John M'Gill*, Manchester, beerseller.—*Wm. Lightbourn*, Bickerbank, near Blackburn, out of business.—*John Poizer*, Great Ancoats, Manchester, cabinet maker.

*At the County Court of Hampshire, at SOUTHAMPTON,*

*Nov. 24.*

*George Olding*, Southampton, carpenter.

*At the County Court of Sussex, at LEWES, Nov. 28.*

*George Maynard the younger*, Brighton, carpenter.

**TUESDAY, NOVEMBER 14.**

#### BANKRUPTS.

**HENRY BOIS**, Fenchurch-street, London, and Addiscombe-road, Croydon, Surrey, merchant and commission merchant, Nov. 21 at 11, and Dec. 28 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Lawrance & Co., Old Jewry-chambers.—Petition filed Nov. 11.

**WILLIAM TURNER**, Bow-lane, Cheapside, London, tailor's trimming and button seller, Nov. 21 at 1, and Dec. 28 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Reed, 11, Ironmonger-lane.—Petition filed Nov. 2.

**JOHN WILLEY**, High-street, Borough, Surrey, cabinet maker, upholsterer, and furniture dealer, Nov. 23 at half-past 11, and Dec. 29 at 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Rosson, 29, Southampton-street, Strand.—Petition filed Nov. 13.

**JOHN HENRY BANKS**, Little Queen-street, Holborn, Middlesex, engraver and printer, Nov. 24 and Dec. 19 at 2, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Goddard, 28, King-street, Cheapside.—Petition filed Nov. 6.

**RAFFAEL MONTI**, Great Marlborough-street, and Princes-street, Hanover-square, Middlesex, sculptor, dealer and chapman, Nov. 24 at 1, and Dec. 20 at half-past 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Ashurst & Co., 6, Old Jewry, London.—Petition filed Nov. 9.

**PETER CATTALL**, Long-acre, St. Martin-in-the-Fields, Middlesex, coachmaker, Nov. 24 and Dec. 19 at half-past 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Colombine, 21, Margaret-street, Cavendish-square.—Petition filed Nov. 3.

**JOHN BROWN**, Winchester, Southampton, carpenter and builder, dealer and chapman, Nov. 24 and Dec. 23 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Wooldridge, Winchester; Wood, Falcon-street, Aldersgate-street.—Petition dated Nov. 10.

**SAMUEL OSLER**, Grange-road, Bermondsey, Surrey, late of St. Mary-axe, London, and Arbroath, Forfarshire, Scotland, leather factor, dealer and chapman, Nov. 24 at half-past 12, and Dec. 22 at 11, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Stopher, 52, Cheapside.—Petition dated Nov. 10.

**JOHN LAMPERT PAIN**, Church-terrace and Aldenham-street, St. Pancras-road, and Acton-place, Bagnigge-wells-road, Middlesex, builder, Nov. 24 at 12, and Dec. 22 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Church & Son, 9, Bedford-row.—Petition filed Nov. 8.

**SAMUEL BAILEY**, Davies-street, Berkeley-square, Middlesex, hotel and boarding-house keeper, Nov. 24 at half-past 1, and Dec. 22 at half-past 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Espin, 50, Bedford-row.—Petition filed Nov. 10.

**ROBERT THOMAS**, Wardour-street, Oxford-street, Middlesex, tool maker, dealer and chapman, Nov. 24 and Jan. 5 at 2, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Innes, 20, Billiter-street, London.—Petition filed Nov. 13.

**JOHN BENNETT**, Hart-street, Bloomsbury, Middlesex, artists' brush manufacturer, dealer and chapman, Nov. 28 at 1, and Dec. 19 at 2, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Stubbs, 46, Moorgate-street, London.—Petition filed Nov. 10.

**JOHN CLAY**, Wednesbury, Staffordshire, bricklayer and victualler, Nov. 24 at 12, and Dec. 21 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Pinchard & Shelton, Wolverhampton; Motteram & Knight, Birmingham.—Petition dated Nov. 8.

**JOHN BERRY**, Coventry, Warwickshire, licensed victualler, Nov. 27 and Dec. 18 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. East, Birmingham.—Petition dated Nov. 7.

**HENRY PERKS**, Liverpool, porter merchant, dealer and chapman, Nov. 24 and Dec. 21 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Symes & Co., 33, Fenchurch-street, London.—Petition filed Oct. 28.

**GEORGE HOYLE** and **JOHN TATTERSALL**, Whitewell Mill, Whitwell Bottom, near Newchurch, Lancashire, cotton manufacturers, dealers and chapmen, Nov. 29 and Dec. 20 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Heaton, Rochdale; T. A. & J. Grundy, Manchester.—Petition filed Nov. 10.

**JAMES BROWN**, **MICHAEL BROWN**, and **NICHOL BROWN**, Monkwearmouth, Durham, (trading under the style or firm of James Brown & Brothers), builders, contractors, dealers and chapmen, Nov. 21 at 11, and Dec. 22 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Young & Co., Sunderland.—Petition filed Nov. 3.

**THOMAS WALKER LINDOP**, Cannock, Staffordshire, cattle dealer, dealer and chapman, Nov. 27 and Dec. 18 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Hayes, Wolverhampton.—Petition dated Nov. 13.

#### MEETINGS.

*Wm. Crole* the younger, Rood-lane, London, East India merchant, Nov. 29 at 2, Court of Bankruptcy, London, last ex.—*Stephen Harris*, Kingston-upon-Thames, Surrey, ironmonger, Nov. 29 at half-past 1, Court of Bankruptcy, London, last ex.—*E. K. M. Griffiths*, *Cornelius P. Newcombe*, and *Francis T. Griffiths*, Gracechurch-street, London, and Liverpool, shipowners, Nov. 29 at 12, Court of Bankruptcy, London, last ex.—*Thomas Rolph*, *Lee's Mews*, Upper Brook-street, Grosvenor-square, Middlesex, builder, Dec. 11 at 12, Court of Bankruptcy, London, last ex.—*Daniel Longdin*, Manchester, ironfounder, Dec. 1 at 12, District Court of Bankruptcy, Manchester, last ex.—*Charles Warwick*, Manchester, commission agent, Dec. 1 at 11, District Court of Bankruptcy, Manchester, last ex.—*William Chesworth*, Manchester, merchant, Dec. 15 at 12, District Court of Bankruptcy, Manchester, last ex.—*Peter Poland* and *Evan B. Meredith*, Broad-st., Cheapside, London, furriers, Dec. 5 at 12, Court of Bankruptcy, London, aud. ac.—*James Sanders*, Bishop's Stortford, Hertfordshire, confectioner, Dec. 5 at 11, Court of Bankruptcy, London, aud. ac.—*Joshua Crowther* and *Wm. Dickinson* the younger, Manchester, general Manchester warehousemen, Nov. 30 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Dec. 8 at 12, div.—*Wm. Howell*, Goswell-street, St. Luke's, Middlesex, licensed victualler, Dec. 5 at half-past 1, Court of Bankruptcy, London, div.—*T. Harris*, West Wycomb, Buckinghamshire, chair manufacturer, Dec. 5 at half-past 12, Court of Bankruptcy, London, div.—*George Webb*, Shoreditch, Middlesex, cheesemonger, Dec. 5 at 1, Court of Bankruptcy, London, div.—*E. M. Ager*, Hill-street, Walworth, and Victoria-terrace, Kennington, Surrey, baker, Dec. 5 at 1, Court of Bankruptcy, London, div.—*G. Barber*, Bishopsgate-street Without, London, grocer, Dec. 5 at 12, Court of Bankruptcy, London, div.—*Wm. Tanner* and *John Ward*, Leadenhall-place, Leadenhall-market, and Leadenhall-street, London, leather factors, Dec. 9 at 2, Court of Bankruptcy, London, div.—*Wm. Crofts*, Strand, Middlesex, hotel keeper, Dec. 5 at 11, Court of Bankruptcy, London, div.—*R. Spenceley* and *J. M. Spenceley*, Wapping, Middlesex, and Clyde Dock, Rotherhithe, Surrey, sail makers, Dec. 7 at 11, Court of Bankruptcy, London, div.—*Thomas Wilkinson*, Cambridge Wharf, Wilton-road, Pinlico, and Grosvenor-st., Eaton-square, Middlesex, coal merchant, Dec. 7 at 12, Court of Bankruptcy, London, div.—*Wm. R. Nield* and *W. H. H. Collander*, Cannon-street West, London, shawl warehousemen, Dec. 7 at 1, Court of Bankruptcy, London, div.—*C. Spasnett*, Barking, Essex, mast maker, Dec. 7 at 12, Court of Bankruptcy, London, div.—*Charles T. Griffiths*, Woodford-bridge, Essex, underwriter, Dec. 7 at 1, Court of Bankruptcy, London, div.—*Wm. West* and *John West*, Donnington, Lincolnshire, linendrapers, Dec. 5 at 2, Court of Bankruptcy, London, div. sep. est. of *John West*.—*Elias Molyneux*, Liverpool, tavern keeper, Dec. 6 at 11, District Court of Bankruptcy, Liverpool, div.—*Henry H. King*, Bristol, bookseller, Dec. 7 at 11, District Court of Bankruptcy, Bristol, fin. div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Thomas G. Curtis*, Oxford-street, Middlesex, licensed victualler, Dec. 7 at half-past 1, Court of Bankruptcy, London.—*James Sanders*, Paddington-green, Middlesex, corn dealer, Dec. 7 at half-past 12, Court of Bankruptcy, London.—*Chas. Plaister*, Eversholt-street, St. Pancras, Middlesex, draper, Dec. 6 at 2, Court of Bankruptcy, London.—*G. E. Shuttleworth*, *Mark H. Shuttleworth*, and *G. E. Shuttleworth* the younger, Poultry, London, auctioneers, Dec. 6 at 12, Court of Bankruptcy, London.—*Samuel Isaacs*, Portsea, Hampshire, hardwareman, Dec. 6 at 1, Court of Bankruptcy, London.—*J. W. Aldridge*, Witham, Essex, corn merchant, Dec. 7 at 2, Court of Bankruptcy, London.—*J. D. Jones* and *C. Gold*, Cheapside, London, tavern keepers, Dec. 7 at 1, Court of Bankruptcy, London.—*James E. Procter*, St. Columb Minor, Cornwall, shipowner, Dec. 6 at 11, District Court of Bankruptcy, Exeter.—*John Barber*, Manchester, engraver to calico printers, Dec. 8 at 12, District Court of Bankruptcy, Manchester.—*John Mills*, Leeds, Yorkshire, printer, Dec. 15

at 11, District Court of Bankruptcy, Leeds.—*Charles Henry Helgate*, Kirtton in Lindsey, Lincolnshire, scrivener, Dec. 13 at 12, District Court of Bankruptcy, Kingston-upon-Hull.

*To be granted, unless an appeal be duly entered.*

*Edward Staples* the younger, Soham, Cambridgeshire, miller.—*Nathan J. Calisher*, Norfolk-street, Strand, Middlesex, jeweller.—*Benedetto Bernasconi*, Red Lion-street, Clerkenwell, Middlesex, looking-glass frame manufacturer.—*F. G. Richardson*, Commercial-road, Limehouse, Middlesex, timber merchant.—*Edmund Heningham*, Caversham, Oxfordshire, and High Wycomb, Buckinghamshire, fellmonger.—*William Reade* and *George Reade*, Hibernia-chambers, London-bridge, Southwark, Surrey, provision merchants.—*Henry Knapp*, Chelsea, Middlesex, builder.—*Wm. Yorke*, Cheshunt, Hertfordshire, builder.—*John Milner*, Devonshire-street, Islington, Middlesex, stockbroker.—*Frederick H. King*, New Shoreham, Sussex, carpenter.—*James Fell*, New-street, New-road, and Pereira-place, Shepherd's-bush, Hammersmith, Middlesex, builder.—*Philip Paige*, Torquay, Devonshire, lodging-house keeper.—*Joshua Crowther*, *Wm. Dickinson* the younger, and *Richard Cave*, Manchester, Manchester warehousemen.—*Geo. Hobson*, Leeds, Yorkshire, grocer.—*Thomas Wrightson*, York, woollendrapery.—*Obadiah Willans* and *Henry Rawson*, Leeds, Yorkshire, cloth merchants.—*John Denbigh*, Bradford, Yorkshire, woolstapler.—*John Holland Oates*, Halifax, Yorkshire, painter.—*John Ellis Watkinson*, Halifax, Yorkshire, grocer.

#### PETITION ANNULLED.

*Robert Sheppard*, Glossop, Derbyshire, farmer.

#### SCOTCH SEQUESTRATIONS.

*Alexander Leith Emslie*, deceased, Auchtermuchty, Fife-shire, physician.—*James Bowie*, Glasgow, commission merchant.—*Mary Donaldson*, Aberdeen, innkeeper.—*D. Fraser*, sen., deceased, Dingwall, hardware merchant.—*D. Sdeuard*, Carie, Rannoch, mail contractor.—*Balfour & M'Cullum*, Glasgow, smiths.—*Alexander Thomson*, Legbrannock, Bothwell, Lanarkshire, contractor.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Samuel Britton*, Stapleton, Gloucestershire, retailer of beer, Dec. 21 at half-past 10, County Court of Gloucestershire, at Bristol.—*H. M. Deverill*, Bristol, baker, Dec. 21 at half-past 10, County Court of Gloucestershire, at Bristol.—*J. R. Barlow*, Bristol, ironmonger's assistant, Dec. 14 at half-past 10, County Court of Gloucestershire, at Bristol.—*J. Vince*, Ryde, Isle of Wight, Hampshire, postmaster, Nov. 29 at 10, County Court of Hampshire, at Newport.—*James Rugg*, Newport, Isle of Wight, Southampton, grocer, Nov. 29 at 10, County Court of Hampshire, at Newport.—*Frederick Chas. Taylor*, Norwich, Norfolk, out of business, Nov. 30 at 10, County Court of Norfolk, at Norwich.—*Robert Fletcher*, Bury St. Edmunds, Suffolk, publican, Nov. 27 at 10, County Court of Suffolk, at Bury St. Edmunds.—*Jas. Middleditch*, Bury St. Edmunds, Suffolk, tailor, Nov. 27 at 10, County Court of Suffolk, at Bury St. Edmunds.—*Thomas Pearce*, Diss, Norfolk, shoemaker, Nov. 20 at 2, County Court of Suffolk, at Eye.—*George Leeder*, Easton, Suffolk, shoemaker, Nov. 24 at 10, County Court of Suffolk, at Framlingham.—*Wm. West Poulis*, Tamworth, Warwickshire, railway post-office clerk, Dec. 1 at 11, County Court of Warwickshire, at Tamworth.—*Caroline Bevis*, widow, Southampton, out of business, Nov. 24 at 10, County Court of Hampshire, at Southampton.—*John Peake*, Burslem, Staffordshire, crate maker, Nov. 22 at 10, County Court of Staffordshire, at Hanley.—*Edward James Spicer*, Rye, Sussex, licensed victualler, Dec. 4 at 12, County Court of Sussex, at Rye.—*Thomas Saville*, Cheltenham, Gloucestershire, porter seller, Dec. 6 at 10, County Court of Gloucestershire, at Cheltenham.

*Saturday, Nov. 11.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*James Wm. Walsh*, Westbury-road, Harrow-road, Middlesex, attorney-at-law, No. 64,309 T.; *Henry Cooper*, assignee.—*Edwin Atkinson Rudge*, Barking, Essex, linen-draper, No. 64,564 T.; *Richard Strangways* and *Edward*

*Lloyd*, assignees.—*Wm. Henry English Burnard*, Bideford, Devonshire, attorney-at-law, No. 78,677 C.; *Wm. How*, assignee.—*John Garlick*, Meltham, near Huddersfield, Yorkshire, butcher, No. 78,776 C.; *John Broadhead*, assignee.—*G. R. Goodman*, Brighton, Sussex, solicitor, No. 78,895 C.; *Cornwell Baron Wilson*, assignee.—*John Voller*, Landport, near Portsea, Southampton, builder, No. 77,935 C.; *Timothy White* and *George Rogers*, assignees.—*Francis Jay*, Great Yarmouth, Norfolk, baker, No. 78,980 C.; *Horace Harry Gambling*, assignee.

*Saturday, Nov. 11.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*John Reeve Wood*, New Hampstead-road, Kentish-town, Middlesex, packer: in the Debtors Prison for London and Middlesex.—*James Gillon*, Aldermanbury, London, commission agent: in the Debtors Prison for London and Middlesex.—*Thos. Corfe*, Richmond, Surrey, cabinet maker: in the Gaol of Surrey.—*Elkan London*, Monkwell-st., Cripplegate, London, shoemaker: in the Debtors Prison for London and Middlesex.—*David Thos Sandler*, Great Northern Hotel, King's-cross, Middlesex, commercial traveller: in the Debtors Prison for London and Middlesex.—*John Jones*, Olney-terrace, near the Montpelier Tavern, Walworth, Surrey, clerk to parliamentary agents: in the Gaol of Surrey.—*Henry Harlley*, Union-st., Southwark, Surrey, tailor: in the Debtors Prison for London and Middlesex.—*Peter M'Grath*, Frances-street, Tottenham-court-road, Middlesex, statutory: in the Debtors Prison for London and Middlesex.—*Louis Jean Baptiste Vandeau*, Albany-road, Barnsbury-park, Islington, Middlesex, foreman to an artificial flower manufacturer: in the Debtors Prison for London and Middlesex.—*John Pratt Carpenter*, Drummond-street, Euston-square, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*Benj. Hutchingsen*, Meard-st., Dean-st., Soho, Middlesex, boot closer: in the Debtors Prison for London and Middlesex.—*Wm. Hattersley*, St. George-st., St. George's-in-the-East, Middlesex, druggist: in the Debtors Prison for London and Middlesex.—*Francis Bowring*, Croydon, Surrey, shoemaker: in the Gaol of Surrey.—*Wm. Russell*, Royal Free Hospital, Gray's-inn-road, Middlesex, steward: in the Debtors Prison for London and Middlesex.—*Geo. Cummins*, Windmill-place, High-street, Camberwell, Surrey, out of business: in the Queen's Prison.—*Wm. Henry Sherwood*, Upper Peuton-st., Peatonville, Middlesex, doctor of medicine: in the Debtors Prison for London and Middlesex.—*Thomas Whitechurch*, Snells-park, Upper Edmonton, Middlesex, omnibus coachman: in the Debtors Prison for London and Middlesex.—*Philip Marks*, Princes-st., Rotherhithe, Surrey, out of business: in the Gaol of Surrey.—*Francis Dunham*, Marlborough-mews, Blenheim-st., Oxford-st., Middlesex, carpenter: in the Debtors Prison for London and Middlesex.—*Thomas Luckes*, Brill-row, Somers-town, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*J. May*, Homerton Dairy, Marsh-hill, Marsh-gate, Homerton, Middlesex, dealer in milk: in the Debtors Prison for London and Middlesex.—*Geo. Feast*, Farnham, Surrey, out of business: in the Gaol of Surrey.

*(On Creditor's Petition).*

*Charles Francis Arundell*, Cork-street, Burlington-gardens, Middlesex, attorney-at-law: in the Queen's Prison.

*(On their own Petitions).*

*Meyer Grabowski*, Manchester, dealer in watch materials: in the Gaol of Lancaster.—*James Varley*, Clitheroe, Lancashire, stonemason: in the Gaol of Lancaster.—*Wm. Light-brown*, Pickersbank, near Blackburn, Lancashire, out of business: in the Gaol of Lancaster.—*John M'Gill*, Manchester, beer seller: in the Gaol of Lancaster.—*James Lees*, Hurst Brook, near Ashton-under-Lyne, Lancashire, out of business: in the Gaol of Lancaster.—*George Cooper*, Hulme, Manchester, commission agent: in the Gaol of Lancaster.—*James Flynn*, Liverpool, staymaker: in the Gaol of Lancaster.—*Wm. M'Millan*, Manchester, out of business: in the Gaol of Lancaster.—*William Williams*, Manchester, saddler: in the Gaol of Lancaster.—*Samuel Blackley*, Preston, Lancashire, labourer: in the Gaol of Lancaster.—*Bernard Cannon*, Manchester, clothes dealer: in the Gaol of Lancaster.—*David Walker*, Manchester, grocer: in the Gaol of Lancaster.—*G. Maynard* the younger, Brighton, Sussex, builder: in the Gaol of Lewes.—*John Wilkinson*, Walsall, Staffordshire, black

maker: in the Gaol of Stafford.—*Henry Furze*, Bristol, in no business: in the Gaol of Wilton.—*Thomas Rich*, Reading, Berkshire, innkeeper: in the Gaol of Reading.—*Robert Rodwell*, Marsworth, Buckinghamshire, shoemaker: in the Gaol of Hertford.—*Nichols Slater*, Bradford, Yorkshire, plumber: in the Gaol of York.—*John Midgley*, Bradford, Yorkshire, plumber: in the Gaol of York.—*John Benbow* the younger, Grimley, Worcestershire, beer-house keeper: in the Gaol of Worcester.—*Joseph Allen*, Gorton-brook, Lancashire, out of business: in the Gaol of Lancaster.—*Thomas Walker* the younger, Woodside, Lancashire, bookkeeper: in the Gaol of Lancaster.—*James Pearson* the younger, Northern Etchells, near Wilmslow, Cheshire, out of business: in the Gaol of Chester.—*Hugh Shawcroft*, Liverpool, out of business: in the Gaol of Lancaster.—*Hugh M'Millan*, Liverpool, manager in a beer-house: in the Gaol of Lancaster.—*C. Hammond*, Salemoor, Cheshire, in no business: in the Gaol of Chester.—*Wm. Jones*, Blaina Ironworks, Monmouthshire, mason: in the Gaol of Monmouth.—*Bartholomew Cason*, King's Lynn, Norfolk, tailor: in the Gaol of Norwich.—*Thomas O'Neil*, Durham, dealer in Sheffield and Birmingham goods: in the Gaol of Durham.—*Thomas James*, Stratford-on-Avon, Warwickshire, out of business: in the Gaol of Warwick.—*John Mellor*, Kirkburton, Yorkshire, out of business: in the Gaol of York.—*Robert Eades*, Heaton Norris, Lancashire, out of business: in the Gaol of Lancaster.—*Hugh Spencer*, Walton-le-dale, Lancashire, licensed victualler: in the Gaol of Lancaster.—*Gill Jackson*, Accrington, Lancashire, joiner: in the Gaol of Lancaster.—*Henry Flood*, Tilney St. Lawrence, Norfolk, out of business: in the Gaol of Norwich.—*Samuel Monks*, Stapleton, Gloucestershire, quarryman: in the Gaol of Gloucester.—*Wm. Torkington*, Knutsford, Cheshire, out of business: in the Gaol of Chester.—*Josiah Marriott*, Ipswich, Suffolk, not in any business: in the Gaol of Ipswich.

*The following Prisoner is ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Adjourned Hearing.*

*Nov. 30 at 10, before the CHIEF COMMISSIONER.*

*Wm. H. Guerrier*, Newgate-market, London, commission agent.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Hertfordshire, at HERTFORD, Nov. 27.*

*Robert Rodwell*, Marsworth, Buckinghamshire, shoemaker.

*At the County Court of Cambridgeshire, at CAMBRIDGE, Nov. 27 at 10.*

*Thos. Batcock*, Milton, publican.—*Jas. Richardson*, Cambridge, butcher.—*J. G. Johnson*, Cambridge, college servant.

*At the County Court of Norfolk, at NORWICH, Nov. 30.*

*Bartholomew Cason*, King's Lynn, tailor.—*Henry Flood*, Tilney St. Lawrence, out of business.

*At the County Court of Somersetshire, at TAUNTON, Dec. 1.*

*Henry Furze*, Bristol, printer.

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LONDON, NOVEMBER 25, 1854.

THE question, whether the leading or the junior counsel in a cause should "sum up" the evidence under the Common-law Procedure Act, 1854, has been raised on several occasions, but has not yet received any definite solution.\* The inquiry involves a consideration, and perhaps ultimately a re-constitution, of the relative functions of leaders and juniors.

The practice of the majority of leaders has hitherto been to take the summing up into their own hands; on one or two occasions, however, the performance of this duty has been imposed on their "young friend."

Looking at the subject in its public aspect, we think there can be little doubt, that, as a general rule, the leading counsel should himself conduct that part of the cause which requires delicate and careful management. It is upon this principle that he has always re-examined his own witnesses, cross-examined those of his adversary, addressed the jury, and argued points of law as they arose at the trial. The junior no doubt has been, or ought to have been, assisting his leader in these various operations by way of suggestion, but the latter has had the *public conduct* of them. At the same time,

if the junior were sufficiently conscious of his true position, and of the accidents which might suddenly deprive him of the "*dominus litis*," he would take care to be prepared for the entire management of the case. The status of the junior, therefore, was sufficiently important and responsible under the old system. We are anxious to see that status retained, and, if not at the expense of the client, improved. But if there is one matter more than another that requires the united aid of skill, tact, and experience, it is the summing up of the evidence which has been presented to the jury. In the fulfilment of this duty, it will often be necessary to extract the real question for decision from a mass of complicated testimony; to reconcile discrepancies, not only in the evidence, but also between the evidence and the opening speech; to account for short-comings and the breaking of the promise which had been held out to the jury in the former address; to apportion the degrees of credit to the different witnesses; to comment upon the weight and strength of evidence; to point out corroborating circumstances; and to present the case as a whole in its most favourable and winning form to the jury.

Suppose this function to be feebly discharged, how much of the effect of the opening address, and of the testimony given in support of it, will be destroyed! Then, if the summing up is on behalf of the plaintiff, it will be followed by a speech from the *leader* for the defendant, who will skilfully avail himself of any unguarded points left by the plaintiff's junior. We, therefore, think that it will be a mischievous innovation if the leader yields so important a part of the cause to his junior.

There is, however, a mode of raising the position of the junior, and of relieving to some extent the labours

of the leader, without in any way interfering with the interests of the client. It is simply this—let the junior, instead of merely opening the pleadings, open the case. Nothing is required for this purpose but a clear and simple narrative of the facts, according to his instructions—the more general the outline, and the less the detail, so much the better. This statement it will be for the leader to fortify, to support, and to *clench* at the proper time. Of course, in such a case, the “summing up” by the leader would not be strictly what is meant by that term, but a general address to the jury upon the whole case. We believe that the summing up before election committees and on appeals at quarter sessions, where such a practice prevails, has not been confined to mere comments upon testimony; it certainly has not been so on several recent occasions at Nisi Prius, and it will probably be like the “reply,” which has never been treated as a mere answer to the defence, but a general review of the whole case.

We hope that the Bar will come to an arrangement upon this subject, and that it will be in accordance with the views which we have suggested. We feel confident, that if carried out, they will be productive of advantage, not only to leaders and juniors, but also to the public at large.

At the present time, when the due regulation of the militia is a most important object, having regard not merely to its being really the only home army, but to its being a sort of *dépôt* from which, under the circular recently issued by the Secretary-at-War, our regular foreign army will be from time to time recruited, it is of great importance also that the legal public should be informed of the manner in which its organisation and maintenance are provided for by the Legislature, and in which hereafter it is to be raised, organised, and maintained. At present the acts of Parliament under which these things are done are in most glorious confusion. Their name is legion, and the enactments of the older ones are repealed, re-enacted, or preserved by new acts, enacting entirely new things, so far as is not inconsistent with the new acts, in a way which makes it puzzling for even any lawyer, when consulted, to give an opinion; *a fortiori*, for the multitudes of persons concerned, not being lawyers, to know what to do.

The militia is raised or raiseable in two ways—by ballot, as of old, and by voluntary enlistment under the 15 & 16 Vict. c. 50, (1852), and various subsequent acts. The raising by ballot is still to be conducted under the 42 Geo. 3, c. 90; all the machinery of that act is expressly and specially adapted for the ballot; and none of it is even adaptable, except by what the lawyers call a twisted construction of the act, for the voluntary raising of the militia. The enactments of the act of Geo. 3 operate entirely through general meetings of the lieutenantancy and sub-divisional meetings of the deputy lieutenantancy. The most minute directions are given for the doing of every duty, whether by officers, commissioned and non-commissioned, or by magistrates, constables, &c. But all the authority exercised in the execution of these duties under that act emanates from general and sub-division meetings. On the other hand, the statute of 1852, and subsequent acts, in effect abolish general and sub-division meetings, except as connected with the ballot, and with

them the authority for directing a multitude of operations, which must, nevertheless, be carried into effect, in whichever way the militia is raised. The 15 & 16 Vict. c. 50, enacts, that “the lieutenants shall direct their deputy lieutenants, or the colonels or commanding officers of the regiments, battalions, or corps of militia, to proceed to raise and enrol volunteers, &c., and such deputy lieutenants, colonels, or commanding officers, and the commissioned and non-commissioned officers of the militia duly authorised by such colonels or commanding officers, shall forthwith proceed to raise such volunteers,” &c. (Sect. 11). And this is the only section which gives any idea how the working of the act is to be carried into effect. It does not in any manner point out by whom—that is, by what officers or persons—the duties are to be performed. When, therefore, the militia was raised in 1852 and 1853, the duties that had to be done in raising it were left, as it were, to go begging; and we have reason to believe that in fact the militia was raised very much through the aid of the machinery of general and sub-division meetings, with all their corollaries, as if it had been raised by ballot, although those meetings had no legal authority, or even existence. The consequence was, we believe, a fearful confusion, when the inevitable question afterwards arose, by what authority much of the duty had been done, and in particular what public department was liable, and to what extent it was liable, for the almost unavoidable expense incurred in and about the public duties cast by the act upon somebody.

It appears to us that all these acts ought to be consolidated into one general act, repealing entirely *all* pre-existing acts, and re-enacting whatever is necessary; for there is no more fruitful source of confusion and litigation than repealing an act, so far as it is not inconsistent with a new act—a course which invariably lets in the most difficult questions. It appears to us also, that the system on which any such consolidation should be effected should be this—to distinguish and keep separate entirely the enlistment by ballot and the enlistment by voluntary enrolment, making each branch of the act complete in itself. Doubtless there are many things which must be common to both systems. The paying of the militia, for instance, provided for by the 17 & 18 Vict. c. 109, must of course be the same, whether it results from voluntary enlistment or from compulsory enlistment under the ballot. So must the providing of storehouses, &c., provided for by the 17 & 18 Vict. c. 106. So must its discipline, provided for by the several acts in force, and the articles or regulations issued by the Secretary-at-War for carrying into effect the details of the Mutiny Act as applied to militiamen. But a consolidated act could without difficulty provide for these things, by separate chapters devoted to each of these branches of the militia service, stating when they are to be applied to the voluntary system, when to the ballot system, and when to both. The importance of such a consolidation will be the more apparent when it is stated that a not inconsiderable branch of a public department is entirely engrossed by attention to the business of the militia force, and that innumerable questions of great nicety and difficulty are continually cast upon that branch for consideration, arising out of the multitude of statutes, and the confused form in which they are heaped one upon the other; and last, but not least, out of the circumstance that the act of 1852, the keystone of the voluntary system, literally provides no intelligible machinery whatever for raising and organising the militia; so that if the statute of Geo. 3, which never was meant, and is not now meant, to govern the raising of the volunteer militia, were entirely out of the way as a quasi guide, lord lieutenants, deputy lieutenants, colonels commanding, and all the subordinate functionaries, would have literally to improvise, and carry into effect upon their own responsi-

bility, the modes of practically raising the militia, otherwise the militia could not be raised; nor could it have been or be raised at all under the act of 1852, if one-half of the persons authoritatively employed had questioned, or were to question, by what authority they were employed.

We trust that such a consolidation of these important acts will be attempted in the approaching session of Parliament; and we may add, that the lawyer who does this, and does it well, will not contribute a little towards those humbler but useful operations by which the hands of Government will be freed for the conduct of the war.

### GENTLEMEN CALLED TO THE BAR.

The following gentlemen have been called to the degree of Barrister at Law:—

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**INNER TEMPLE.**—M. E. Grant Duff, Esq., M.A.; H. W. Southey, Esq., B.A.; H. Latham, Esq., B.A.; C. North, Esq., B.A.; J. D. Mayne, Esq.; T. J. Torr, Esq., B.A.; W. B. Coltman, Esq.; G. M. Sutherland, Esq.; C. J. W. Williams, Esq.; H. B. Arnaud, Esq.

**MIDDLE TEMPLE.**—Michael Maxwell Philip, Esq., Certificate of Honour from the Council of Legal Education; John Dunbar, Esq., B.A., Trin. Coll., Dublin; Hamilton Charles Palmer, Esq., LL.B., London Univ.; Richard Greene, Esq., B.A., Oriol College, Oxford; Michael Angelo Garvey, Esq., LL.B., London Univ.; Ralph Walters, Esq.

**GRAY'S INN.**—Robert Baker Jones, Esq.

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Sir Arthur Hallam Elton, Bart., Clevedon Court.

**Southampton**—James Edward Bradshaw, Esq., Fair Oak Park, near Winchester.  
The Hon. Sir Edward Butler, Knt., Harefield, near Southampton.  
James Winter Scott, Esq., Rotherfield, near Alton.

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Thomas William Giffard, Esq., Chillington.  
Samuel Pole Shawe, Esq., Maple Hayes.

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A. Arcedeckne, Esq., Glevering Hall, Hacheston.  
John George Weller Poley, Esq., Boxted Hall.

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E. R. Northey, Esq., Woodcote House, Epsom.  
The Hon. J. G. Cavendish, Syne Grove, Chertsey.

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 Lewis Mathias, Esq., Llangwarren.  
 John Mirchouse, Esq., Brownslale.  
*Radnorshire*—John A. Whittaker, Esq., Newcastle Court.  
 Francis Evelyn, Esq., Corton Presteigne.  
 Thomas Moore, Esq., Old Hall.

LOCAL AND PERSONAL ACTS,  
 DECLARED PUBLIC, AND TO BE JUDICIALLY NOTICED.  
 17 & 18 VICTORIA.—SESSION 2.

(Continued from p. 446).

## CAP. xxxii.

An Act for building a Bridge over the River Tame, to connect the Borough of Ashton-under-Lyne with the Township of Dukinfield.

## CAP. xxxiii.

An Act for more effectually lighting with Gas the Town of Cardiff, and certain Parishes adjacent thereto, in the County of Glamorgan.

## CAP. xxxiv.

An Act for making and maintaining Docks in the Borough and County of Newcastle-upon-Tyne.

## CAP. xxxv.

An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of Weymouth and Melcombe Regis, in the County of Dorset, to provide Market Houses for the Sale of certain marketable Commodities, and to erect and maintain an improved Pier or Landing Place within the Borough; and for other Purposes.

## CAP. xxxvi.

An Act to repeal the Act relating to the Ridgill and Lanes and Holehouse Turnpike Road, and to make other Provisions in lieu thereof.

## CAP. xxxvii.

An Act to enable the Company of Proprietors of the Birmingham Waterworks to raise further Money.

## CAP. xxxviii.

An Act for the Extension of the Manchester Corporation Waterworks, and for other Purposes, and of which the Short Title is, "The Manchester Corporation Waterworks Act, 1854."

## CAP. xxxix.

An Act to enable the New River Company to construct certain Sewers, Drains, and other Works in and near the Town of Hertford; and for other Purposes.

## CAP. xl.

An Act for the Improvement of the Town of Wellington, in the County of Salop.

## CAP. xli.

An Act for paving, lighting, watching, draining, cleansing, regulating, and otherwise improving the Town of West Hartlepool, and Part of the Township of Stranton, in the County of Durham; for providing a Cemetery; and for other Purposes.

## CAP. xlii.

An Act to enable the Brighton and Hove General Gas Company to raise a further Sum of Money; and for other Purposes.

## CAP. xliii.

An Act for granting certain Powers to the National Assurance and Investment Association.

## CAP. xliiv.

An Act to amend the Act incorporating the Great Indian Peninsula Railway Company; and for other Purposes connected therewith.

## CAP. xlv.

An Act for making new Docks and other Works at Belfast, and for other Purposes, and of which the Short Title is, "The Belfast Dock Act, 1854."

## CAP. xlv.

An Act for more effectually protecting certain Lands forming Part of the Rossall Estate, in the Township of Thornton, in the Parish of Foulton-le-Fylde, in the County of Lancaster from Inundation by the Sea.

## CAP. xlvii.

An Act to renew the Term and continue certain of the Powers of an Act passed in the seventh Year of the Reign of his Majesty King George the Fourth, intitled "An Act for making and maintaining a Turnpike Road from South Shields to White Mere Pool, and from thence to join the Durham and Newcastle Turnpike Road at Vigo Lane, with a Branch from Jarrow Slake to East Boldon, all in the County of Durham."

## CAP. xlviii.

An Act to renew the Term and continue the Powers of an Act passed in the ninth Year of the Reign of his Majesty King George the Fourth, intitled "An Act for more effectually repairing and improving the Roads from Kippings Cross to Wilsley Green, and from a Place near Goudhurst Gore to Stilebridge, and from Underden Green to Wanshatts Green, all in the County of Kent."

## CAP. xlix.

An Act for more effectually paving, lighting, and improving the Town of Abergavenny, in the County of Monmouth; for maintaining the Markets within such Town; and for supplying the same with Water.

## CAP. l.

An Act to create a further Term in the Buckingham and Worcester Road, and to amend and extend the Act relating thereto; and for other Purposes.

## CAP. li.

An Act for better supplying with Water the Parish and Environs of Louth, in the County of Lincoln.

## CAP. lii.

An Act for making a Street from Bothwell-street to St. Vincent-street, in the City of Glasgow.

## CAP. liii.

An Act for enabling the South Staffordshire Railway Company to make Branch Railways to Cannock and Norton; to acquire additional Lands in the Parish of Wednesbury; and for other Purposes.

## CAP. liv.

An Act to incorporate the Guild of Literature and Art, and to enable it to hold Land.

## CAP. lv.

An Act to consolidate and amend the Acts relating to the Imperial Gas-light and Coke Company, and to increase the Capital of the Company.

## CAP. lvi.

An Act for improving the Harbour, re-constructing the Pier, and defining the Limits of the Port and Harbour of St. Mawes, in the County of Cornwall.

## CAP. lvii.

An Act for authorising the Newcastle-upon-Tyne and Carlisle Railway Company to raise further Monies for the Purposes of their Undertaking; and for other Purposes.

## CAP. lviii.

An Act for enabling the Lancashire and Yorkshire Railway Company to construct a Railway from Kirkdale to the Liverpool Docks, with connecting Lines there; and for other Purposes.

## CAP. lix.

An Act to enable the Lancashire and Yorkshire Railway Company to construct a Branch Railway to near Middleton, in the County of Lancaster; and for other Purposes.

## CAP. lx.

An Act for enabling the Whittle Dean Water Company to extend their Works, and to obtain a further Supply of Water from certain Rivers and Streams in the County of Northumberland, in order to afford a better Supply of Water to the Inhabitants of Newcastle-upon-Tyne, Gateshead, and other Places in the Counties of Northumberland and Durham; and for consolidating and amending the Acts relating to such Company.

## CAP. lxi.

An Act to enable the London, Brighton, and South-coast Railway Company to enlarge their Stations at New Cross, the Bricklayers' Arms, and Norwood; to widen the Branch Railway called "The Thames Junction Railway," and their Main Line of Railway in the Neighbourhood of such Branch; to increase their Capital, and to establish a Provident Institution for their Servants and Workmen; and for other Purposes.

## CAP. lxii.

An Act to authorise the Parliamentary Trustees on the River Clyde and Harbour of Glasgow to raise a further Sum of Money, and to fund the Debt of the Trust; and for other Purposes.

## CAP. lxiii.

An Act for repealing an Act passed in the sixth Year of the Reign of his late Majesty King William the Fourth, for establishing a Market for the Sale of Cattle in the Parish of St. Mary, Islington, in the County of Middlesex.

## CAP. lxiv.

An Act for making a Railway from the Whitehaven and Furness Junction Railway, near Whitehaven, to Egremont, in the County of Cumberland, with a Branch therefrom to Frizington, in the same County, to be called "The Whitehaven, Cleator, and Egremont Railway;" and for other Purposes.

## CAP. lxv.

An Act for amending the East London Waterworks Act, 1853.

## CAP. lxvi.

An Act for better supplying with Water the Town of Padiham and the Neighbourhood thereof, and the Villages of Habergham or Cheapside and Lower Houses or Thornhill Holmes, all in the Parish of Whalley, in the County of Lancaster.

## CAP. lxvii.

An Act for the Improvement of the Town of Burnley and Parts of the Neighbourhood thereof, and for other Purposes, and of which the Short Title is, "The Burnley Improvement Act, 1854."

## CAP. lxviii.

An Act for making a Railway from the London, Brighton, and South-coast Railway to Caterham, in the County of Surrey.

## CAP. lxix.

An Act for granting further Powers to the Eastern Union Railway Company with respect to the Extension to Woodbridge.

## CAP. lxx.

An Act to enable the Stockton, Middlesbrough, and Yarm Water Company to supply with Water the Township of Norton, in the County of Durham, and the Townships of Coatham and Redcar, in the North Riding of the County of York, and other Places on the Line of the Mains and Pipes of the Company; and to enable the Company to raise a further Sum of Money; and to amend the Act relating to the Company; and for other Purposes.

## CAP. lxxi.

An Act to repeal certain Acts relating to the Petworth Turnpike Roads, and to make other Provisions in lieu thereof.

## CAP. lxxii.

An Act to enable the New River Company to construct new Reservoirs and other Works in the County of Middlesex.

## CAP. lxxiii.

An Act for enabling the York, Newcastle, and Berwick Railway Company to purchase all or any Estates, Rights, and Interests existing in the Lands or Grounds upon or adjoining to which the Railway of the said Company, called "The Pontop and South Shields Railway," has been formed, or otherwise to occupy such Lands or Grounds.

## CAP. lxxiv.

An Act for maintaining the Turnpike Road from Greenhead, through Haltwhistle, Hexham, and Corbridge, to the Military Road near Shildon Bar, and the Branch Road from Corbridge to Heddon-on-the-Wall, all in the County of Northumberland.

## CAP. lxxv.

An Act to create a further Term in the Trowbridge Roads; to add other Roads to the Trust; to amend and extend the Act relating to the said Roads; and for other Purposes.

## CAP. lxxvi.

An Act to enable the Furness Railway Company to raise a further Sum of Money; and for the Amendment of the Acts relating to the said Company.

## CAP. lxxvii.

An Act to make Provision with respect to Water Supply and Police for Shipley, Baildon, and Windhill, in the West Riding of the County of York.

## CAP. lxxviii.

An Act to incorporate the Kingston-upon-Thames Gas Company, and to enable them to light with Gas the Parishes of Kingston, Long Ditton, and Thames Ditton, in the County of Surrey.

## CAP. lxxix.

An Act for enabling the Blyth and Tyne Railway Company to construct Railways to Tynemouth and the Longhirst Station of the York, Newcastle, and Berwick Railway, in the County of Northumberland; and for consolidating and amending the Acts relating to such Company.

## CAP. lxxx.

An Act to enable the North London Railway Company to construct a Station or Depot near to the New Metropolitan Cattle Market; to raise additional Capital; and for other Purposes.

## CAP. lxxxi.

An Act to repeal an Act for inclosing the Marsh, in the Township of Newport, in the County of Salop, and to vest the same and other Property in Trustees for paving, draining, cleansing, and otherwise improving the Town of Newport; and for other Purposes.

## CAP. lxxxi.

An Act to amend the Nene Valley Drainage and Navigation Improvement Act, 1852, and to provide additional Funds for carrying out certain of the Improvements authorised by such Act.

## CAP. lxxxiii.

An Act for regulating and improving the Town of Ryde, in the Isle of Wight, and providing a Supply of Gas and Water thereto; and for other Purposes.

## CAP. lxxxiv.

An Act to repeal an Act passed in the ninth Year of the Reign of her present Majesty, intituled "An Act for more effectually constituting and regulating the Court of Record within the Borough of Manchester, and for extending the Jurisdiction of the said Court," and to extend the Powers and Jurisdiction of the said Court, and to simplify and otherwise improve its Practice and Proceedings; and for other Purposes.

## CAP. lxxxv.

An Act for enabling the Cornwall Railway Company to make certain Modifications in their Share Capital; and for other Purposes.

## CAP. lxxxvi.

An Act for making a Turnpike Road from Chester, by Farn-dee, to Worthenbury, with a Branch therefrom to the Village of Farnold.

(To be continued.)

### London Gazettes.

FRIDAY, NOVEMBER 17.

#### BANKRUPTS.

THOMAS WEBB, late of West Ham-lane, Essex; now of Cullum-street, London; St. Heliers, Island of Jersey; and Phillbrook Farm, Leyton, Essex, distiller, dealer in spirits, corn merchant, dealer and chapman, Nov. 21 at 11, and Dec. 20 (and not Dec. 21, as before advertised) at 2, Court of Bankruptcy, London: Off. Ass. Graham; Sols. J. & J. H. Linklater, 17, Sise-lane, London.—Petition filed Nov. 9.

JAMES WARWICK WOOLDRIDGE, Martin's-lane, Cannon-street, London, shipowner, dealer and chapman, Nov. 28 at half-past 11, and Dec. 27 at 2, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Lawrance & Co., Old Jewry-chambers.—Petition filed Nov. 8.

ROBERT PLEDGE, Croydon, Surrey, grocer and brewer, Nov. 28 at half-past 11, and Dec. 27 at half-past 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Loft & Co., 36, King-street, Cheapside, London.—Petition filed Nov. 15.

CHARLES GUERINGER, Queen-street, Golden-square, Westminster, Middlesex, victualler, Nov. 23 at 2, and Dec. 28 at half-past 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Allen & Sons, Carlisle-street, Soho, Middlesex.—Petition filed Nov. 8.

WILLIAM AUSTIN, Colechester, Essex, wholesale grocer, dealer and chapman, Nov. 29 and Dec. 27 at half-past 12, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Jones, Colechester, Essex.—Petition filed Nov. 16.

CHARLES LAMBOURN, Long Ditton, Surrey, barge builder and contractor, Nov. 23 at half-past 12 and Dec. 29 at half-past 11, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Messrs. Solomon, 136, Fenchurch-street, London.—Petition filed Nov. 15.

THOMAS SELBY and SILAS NORTON, Town Malling, Kent, scriveners, dealers and chapmen, Nov. 28 and Jan. 4 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Mackeson, Lincoln's-inn-fields.—Petition filed Nov. 14.

THOMAS CARDWELL, Park-terrace, Hammersmith, Middlesex, plumber and glazier, dealer and chapman, Nov. 23 at half-past 1, and Dec. 29 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Sydney & Co., Bernard's-inn.—Petition filed Nov. 15.

FREDERICK WHITE, Ewell, Surrey, and Swan Brewery, Chelsea, and North-street, Chelsea, Middlesex, common brewer and maltster, Dec. 1 at 12, and Jan. 5 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Pontifex & Moginie, 5, St. Andrew's-court, Holborn, London.—Petition filed Nov. 4.

GEORGE DUNN, Rushey Green, Lewisham, Kent, grocer and chessmonger, Nov. 25 and Jan. 6 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Sadgrove, 65, Mark-lane.—Petition dated Nov. 3.

GEORGE EDWARD FORDYCE, Anstey's-row, Islington, Middlesex, plumber, painter, and glazier, dealer and chapman, Nov. 25 at half-past 12, and Dec. 23 at half-past 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Fitch, 2, Southampton-street, Bloomsbury.—Petition dated Nov. 16.

JAMES JOHNSON, Winchester, Surrey, builder, Nov. 24 at 2, and Jan. 13 at half-past 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Moss, 86, Queen-street, Cheapside.—Petition dated Nov. 6.

THOMAS LAWRENCE, Reading, Berkshire, draper, dealer and chapman, Nov. 25 at half-past 12, and Jan. 6 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Reed & Co., 59, Friday-street, Cheapside.—Petition dated Nov. 14.

CHARLES MELEM, Birmingham, baker and flour dealer, dealer and chapman, Nov. 29 and Dec. 20 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Battleston; Sol. East, Birmingham.—Petition dated Nov. 16.

JOHN BATES and EDWARD BOWER, Leicester, lamb's-wool spinners, Dec. 5 and Jan. 2 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. R. & G. Toller, Leicester; James, Birmingham.—Petition dated Nov. 4.

EDWARD ELDING, Donington, Lincolnshire, linendraper and grocer, Dec. 5 and Jan. 2 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Millington & Cooke, Boston; James, Birmingham.—Petition dated Nov. 2.

SAMUEL MOORE, Trowbridge, Wiltshire, grocer, draper, and clothier, Nov. 29 and Dec. 29 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Bevan & Girling, Bristol.—Petition filed Nov. 16.

WILLIAM GRAINGER the younger, Wakefield, Yorkshire, porter merchant, dealer and chapman, Nov. 27 at 12, and Dec. 19 at half-past 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Westmorland & Taylor, Wakefield; Bond & Barwick, Leeds.—Petition dated Nov. 14.

GEORGE LONGMORE and JAMES LONGMORE, Manchester, provision merchants, dealers and chapmen, Dec. 8 and Jan. 5 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Herniman; Sols. Slater & Heals, Manchester.—Petition filed Nov. 13.

GEORGE DEANE and FREDERICK YOULE, Liverpool, merchants, (carrying on business under the firm of Deane, Youle, & Co.), Nov. 29 and Dec. 20 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Lowndes & Co., Liverpool.—Petition filed Nov. 13.

#### MEETINGS.

James Colquhoun, Woolwich, Kent, money scrivener, Nov. 27 at 12, Court of Bankruptcy, London, pr. d.—J. Thomas, Upton-upon-Severn, Worcestershire, and Ledbury, Hereford.



shire, draper, Nov. 30 and Dec. 1 and 2 at 10, Star Hotel, Upton-upon-Severn, pr. d.—*Henry John Stewart*, Jermyn-street, St. James's, hotel keeper, Dec. 5 at 12, Court of Bankruptcy, London, last ex.—*George Boss*, Brighton, Sussex, livery-stable keeper, Dec. 14 at half-past 12, Court of Bankruptcy, London, last ex.—*Thomas George Curtis*, Oxford-st., Middlesex, licensed victualler, Dec. 7 at half-past 1, Court of Bankruptcy, London, and ac.—*James Abraham Smith*, Queen-street, Hammersmith, Middlesex, and Newport-street, Lambeth, Surrey, lighterman, Dec. 5 at 2, Court of Bankruptcy, London, and ac.—*John Sturgis*, Maidstone, Kent, baker, Dec. 5 at 1, Court of Bankruptcy, London, and ac.—*Joseph Cawley*, Michael's-place, Brompton, Middlesex, upholsterer, Dec. 5 at 2, Court of Bankruptcy, London, and ac.—*James Maynard*, Queen's-road West, Chelsea, Middlesex, butcher, Nov. 30 at 2, Court of Bankruptcy, London, and ac.—*Eckraim Watson*, Polstead, Suffolk, shoemaker, Dec. 5 at 1, Court of Bankruptcy, London, and ac.—*John Howard*, Norwich, butcher, Dec. 5 at 11, Court of Bankruptcy, London, and ac.—*Wm. Clarke*, Gloucester, licensed victualler, Dec. 7 at 11, District Court of Bankruptcy, Bristol, and ac.—*Wm. Laycock*, Liverpool, iron merchant, Nov. 27 at 11, District Court of Bankruptcy, Liverpool, and ac.—*Wm. B. Bird*, Bewdley, Worcestershire, chemist, Dec. 15 at 12, District Court of Bankruptcy, Birmingham, and ac.—*Edward B. Thomas*, Leominster, Herefordshire, wine merchant, Dec. 15 at 12, District Court of Bankruptcy, Birmingham, and ac.; Dec. 16 at 12, fin. div.—*Robert Brooke*, Blackburn and Blackpool, Lancashire, draper, Dec. 12 at 1, District Court of Bankruptcy, Manchester, and ac.; Dec. 19 at 1, div.—*Wm. Brook*, Manchester and London, staff merchant, Dec. 5 at 12, District Court of Bankruptcy, Manchester, and ac.; Dec. 12 at 12, div.—*W. Dewhurst*, Huddersfield, Yorkshire, printer, Dec. 11 at 11, District Court of Bankruptcy, Leeds, and ac.; at half-past 11, first and fin. div.—*John Halliley*, *John Brooke*, *James Halliley*, and *John Halliley* the younger, Dewsbury, Yorkshire, woollen manufacturers, Dec. 12 at 11, District Court of Bankruptcy, Leeds, and ac.; at half-past 11, fin. div.—*Wm. Cutler* the younger, Ryde, Isle of Wight, carpenter, Dec. 11 at half-past 12, Court of Bankruptcy, London, div.—*Wm. Clift*, Ulting, Essex, cattle salesman, Dec. 12 at 12, Court of Bankruptcy, London, div.—*Robert N. Newton*, New Park-street, Southwark, Surrey, gas engineer, Dec. 12 at 12, Court of Bankruptcy, London, div.—*John Meats* the elder, Spalding, Lincolnshire, coal merchant, Dec. 12 at 10, District Court of Bankruptcy, Nottingham, and ac. and div.—*Joseph Asher*, Old Dalby, Lincolnshire, miller, Dec. 12 at 10, District Court of Bankruptcy, Nottingham, and ac. and div.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Thomas Shenton*, Bethnal-green-road, Middlesex, grocer, Dec. 11 at half-past 1, Court of Bankruptcy, London.—*O. Hickman*, High-road, Knightsbridge, Middlesex, licensed victualler, Dec. 12 at 12, Court of Bankruptcy, London.—*Wm. Bate*, Manchester, baker, Dec. 11 at 12, District Court of Bankruptcy, Manchester.—*William Houston*, Manchester, joiner, Dec. 12 at 12, District Court of Bankruptcy, Manchester.—*John Wilcox*, Manchester, coal merchant, Dec. 12 at 12, District Court of Bankruptcy, Manchester.—*Robert Brooke*, Blackburn and Blackpool, Lancashire, draper, Dec. 12 at 1, District Court of Bankruptcy, Manchester.—*Richard Burch*, Heywood, Lancashire, bobbin maker, Dec. 8 at 12, District Court of Bankruptcy, Manchester.—*F. Kershaw*, Sheffield, Yorkshire, builder, Dec. 9 at 11, District Court of Bankruptcy, Sheffield.—*Joseph Whitmore*, Leicester, wool-stapler, Dec. 12 at 10, District Court of Bankruptcy, Nottingham.—*Joseph Asher*, Old Dalby, Leicestershire, miller, Dec. 12 at 10, District Court of Bankruptcy, Nottingham.—*Emma S. Foulgham*, Burton Joyce, Nottinghamshire, braid manufacturer, Dec. 12 at 10, District Court of Bankruptcy, Nottingham.

To be granted, unless an appeal be duly entered.

*Elizabeth Munting* and *John Munting*, Little Moorfields, London, licensed carmen.—*James Stark Skipper*, Liverpool, corn merchant.—*Wm. Holkins*, Manchester, commission merchant.—*George Lowry*, Salford, Lancashire, flax spinner.—*Ann Maria Edwards* and *Thomas Cooper*, Coventry, Warwickshire, ironmongers.—*Joseph Cundell*, Sheffield, Yorkshire,

carpenter.—*Francis Key*, Sheffield, Yorkshire, cut-nail manufacturer.—*Robert Sykes*, Sheffield, Yorkshire, grocer.—*Wm. Waller* the younger, Chesterfield, Derbyshire, ironfounder.—*George Haslam*, Higham, near Alpheton, Derbyshire, carrier.—*Samuel Rouldes*, Huddersfield, Yorkshire, dyer.—*Wm. Shaw* and *Henry Shaw*, Mold Green, near Huddersfield, Yorkshire, dyers.

#### SCOTCH SEQUESTRATIONS.

*Edward R. Dawnt*, Glasgow, metal broker.—*W. Urquhart*, Dingwall, grocer.

#### INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Thomas Sparrow*, Birmingham, builder, Dec. 9 at 10, County Court of Warwickshire, at Birmingham.—*George J. Smith*, Birmingham, electro plate finisher, Dec. 9 at 10, County Court of Warwickshire, at Birmingham.—*J. Gardner*, Birmingham, iron dealer, Dec. 9 at 10, County Court of Warwickshire, at Birmingham.—*J. Scaddin*, Birmingham, butcher, Dec. 9 at 10, County Court of Warwickshire, at Birmingham.—*George Bradley*, Birmingham, baker, Dec. 9 at 10, County Court of Warwickshire, at Birmingham.—*Job Morgan Herbert*, Crickhowell, Brecknockshire, beer-house keeper, Dec. 7 at 11, County Court of Brecknockshire, at Crickhowell.—*Emil Arnold Praeger*, Long Cross, Chertsey, Surrey, artist, Dec. 6 at 12, County Court of Surrey, at Chertsey.—*Wm. Brown*, Mancetter, Warwickshire, blacksmith, Dec. 2 at 11, County Court of Warwickshire, at Atherstone.—*Thos. Cooke*, Froxfield, Hampshire, farmer, Dec. 7 at 11, County Court of Hampshire, at Petersfield.—*Jacob Jones*, St. Woollos, Monmouthshire, beer retailer, Dec. 6 at 12, County Court of Monmouthshire, at Newport.—*Charles Hamwell*, Luton, Bedfordshire, baker, Nov. 24 at 11, County Court of Bedfordshire, at Luton.—*James Linford*, Luton, Bedfordshire, baker, Nov. 24 at 11, County Court of Bedfordshire, at Luton.—*Richard Broom*, Bisbrooke, Rutlandshire, gardener, Dec. 9 at 10, County Court of Rutlandshire, at Uppingham.—*James Pavey*, Whitchurch, Southampton, beer retailer, Dec. 7 at 11, County Court of Hampshire, at Andover.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

Jan. 25 at 11, before Mr. Commissioner PHILLIPS.

*Frederick Fuedale*, Stephenson-terrace, Caledonian-road, Islington, Middlesex, tailor.—*Louis Fred. de Mauny*, Eltham, Kent, and Sloane-st., Chelsea, Middlesex, teacher of drawing.—*Samuel Kemp*, Boxley, Kent, shoemaker.—*Thos. Weston*, Churton-street, Pimlico, Middlesex, watchmaker.—*John Penfold*, Marlborough-place, Old Kent-road, Surrey, out of business.—*Edward G. Llewellyn*, Lamb place, Kingsland, Middlesex, gas fittings manufacturer.—*Sophia Living*, widow, Bedford-square, Mile-end, Middlesex, not in any business.—*Jacob Brown*, Twickenham-common, Twickenham, Middlesex, draper.—*Henry Harding*, Griffin-street, York-road, St. Mary, Lambeth, Surrey, bricklayer.

The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

Dec. 1 at 10, before Mr. Commissioner MURPHY.

*John Reeve Wood*, Wade's-terrace, East India-road, Poplar, Middlesex, packer.—*Wm. Sparshott*, Gipsy-hill, Norw. od, Surrey, beer-shop keeper.—*Elkan London*, Monkwell's-rect, Cripplegate, London, shoe manufacturer.—*John Williams*, Triangle, Hackney, Middlesex, commission agent.—*Henry Hartley*, Union-st., Southwark, Surrey, tailor.

Dec. 2 at 11, before Mr. Commissioner PHILLIPS.

*Alexander Henry Waugh*, Rathbone-place, Oxford-street, Middlesex, furnishing ironmonger.—*J. Jones*, Olney-terrace, Walworth, Surrey, clerk to parliamentary agents.—*George Richardson*, Gutter-lane, Cheapside, London, patent stove maker.—*W. Sparks*, White Horse-lane, Stepney, Middlesex, plumber.

Dec. 4 at 10, before the CHIEF COMMISSIONER.

*David Thos. Sadler*, King's-cross, Middlesex, commercial

traveller.—*James Gillon*, Richmond-terrace, Queen's-road, Dalston, Middlesex, warehouseman.

*Adjourned Hearing.*

*Dec. 4 at 11, before Mr. Commissioner PHILLIPS.*

*W. Miller Harding*, Sydney-st., Fulham-road, Middlesex, commission agent.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Lincolnshire, at LINCOLN, Dec. 5 at 12.*

*Mary Ann Bagworth*, Keisby.

*At the County Court of Rutlandshire, at OAKHAM, Dec. 8 at 10.*

*John Seaton Richmond*, Bisbrooke, in no business.

**TUESDAY, NOVEMBER 21.**

**BANKRUPTS.**

**WILLIAM WESTON**, Chiswell-street, Finsbury, Middlesex, boot and shoe agent, dealer and chapman, Nov. 30 and Dec. 29 at 11, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Heath, Artillery-place West, Finsbury.—Petition filed Nov. 20.

**FREDERICK CARSON**, St. Helen's-place, Bishopsgate-street, London, merchant, dealer and chapman, (trading under the style or firm of Frederick Carson & Co., and residing at Upton-place, West Ham, Essex), Dec. 2 at half-past 12, and Jan. 12 at 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. J. & J. H. Linklater, 17, Sise-lane, London.—Petition filed July 5.

**BENJAMIN WORKMAN PEARCE**, Bayham-terrace, Camden-town, Middlesex, builder, dealer and chapman, Nov. 30 at half-past 12, and Jan. 13 at half-past 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Wright & Bonner, 15, London-street, Fenchurch-street.—Petition dated Nov. 21.

**HENRY JOHNS**, Latchmoor Distillery, Battersea, Surrey, and Grange-terrace, Brompton, Middlesex, distiller, dealer and chapman, Nov. 30 at 11, and Jan. 10 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Lawrence & Co., 14, Old Jewry-chambers, London.—Petition dated Nov. 18.

**THOMAS BAYS**, London-road, Southwark, Surrey, baker, and Wisbeach, Cambridgeshire, miller, Nov. 30 at 12, and Jan. 10 at 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Smith, 13, Tokenhouse-yard, London.—Petition dated Nov. 6.

**JOSHUA CLEMENTS**, Mill-street, Conduit-street, Hanover-square, Middlesex, woollendrapery and trimming seller, Nov. 28 at 1, and Jan. 10 at 11, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Page, 13, Duke-street, Manchester-square.—Petition dated Nov. 17.

**ROBERT GRAY**, Bishops Waltham and Southampton, corn, seed, and hop merchant, dealer and chapman, Nov. 25 at half-past 2, and Jan. 6 at half-past 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Lawrence & Co., 14, Old Jewry-chambers, London.—Petition dated Nov. 17.

**WILLIAM PAXON**, Queen's-road, Bayswater, Middlesex, corn dealer, Dec. 2 at 12, and Jan. 6 at half-past 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Smith, 13, Tokenhouse-yard.—Petition filed Nov. 17.

**GEORGE BASEKE**, St. George-place, Knightsbridge, Middlesex, tobacconist, dealer and chapman, Dec. 4 at 2, and Jan. 3 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Johnston, 57, Chancery-lane.—Petition filed Nov. 20.

**THOMAS NIGHTINGALE**, Broadchalke, Wiltshire, inn-keeper and miller, Dec. 4 and 27 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Reed, 11, Ironmonger-lane, London.—Petition filed Nov. 10.

**THEOPHILUS BETHEL**, Riley-st., Bermondsey, Surrey, licensed victualler, Nov. 28 at 12, and Dec. 27 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Asprey, 6, Furnival's-inn, Holborn.—Petition filed Nov. 14.

**ROPER DUXBURY**, Over Darwen, Lancashire, innkeeper, Dec. 6 and Jan. 10 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sol. Swift, Blackburn, Lancashire.—Petition dated Nov. 11.

**HENRY BROOME**, Portsmouth, Southampton, licensed victualler, Dec. 1 at half-past 2, and Jan. 2 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Stening, Portsea, Hampshire; Dynes & Harvey, 61, Lincoln's-inn-fields, London.—Petition filed Nov. 20.

**ANTHONY MADDISON TODD**, Clement's-lane, Lombard-street, London, merchant, commission agent, dealer and chapman, Dec. 5 at half-past 2, and Jan. 2 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Lawrence & Co., 14, Old Jewry-chambers, London.—Petition filed Nov. 16.

**JOHN CLAY**, Wednesfield, (and not Wednesbury, as advertised in last Tuesday's Gazette), Staffordshire, bricklayer and victualler, Nov. 24 at 12, and Dec. 21 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Pinchard & Shelton, Wolverhampton; Motteram & Knight, Birmingham.—Petition dated Nov. 8.

**JOHN BROWN**, West Bromwich, Staffordshire, corn factor, dealer and chapman, Dec. 2 and 23 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Duignam & Hemmant, Walsall; Motteram & Knight, Birmingham.—Petition dated Nov. 16.

**JOSEPH ELLIS**, Bishopthorpe, Yorkshire, farmer, and York, boot and shoe maker, (surviving partner of Elizabeth Ellis, deceased, carrying on business under the firm of Elizabeth Ellis & Son), Dec. 11 at 12, and Jan. 8 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Mance, York; Clarke, Leeds.—Petition dated Nov. 17.

**BRIDGER WOOLGER** the younger, Beeding, Sussex, wheelwright and carpenter, dealer and chapman, Dec. 4 at half-past 1, and Dec. 27 at 2, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. J. & J. H. Linklater, 17, Sise-lane, London.—Petition filed Nov. 14.

**MEETINGS.**

*John Dilworth, Robert M. Arthington, and Robt. Birkett*, Lancaster, bankers, Dec. 6 at 11, District Court of Bankruptcy, Manchester, ch. ass.—*Henry John Stewart*, Jermyn-street, Middlesex, hotel keeper, Dec. 6 at 1, Court of Bankruptcy, London, aud. ac.—*George Hammond*, King's-row, Walworth, Surrey, carpenter, Dec. 6 at 1, Court of Bankruptcy, London, aud. ac.—*W. Thomas*, Bridge-street, Blackfriars, and Noble-street, London, commission agent, Dec. 6 at 1, Court of Bankruptcy, London, aud. ac.—*John C. Penfold*, Park-terrace, Chelsea, Middlesex, oilman, Dec. 6 at 2, Court of Bankruptcy, London, aud. ac.—*John Patton*, Waltham-stow, Essex, merchant, Dec. 12 at 11, Court of Bankruptcy, London, aud. ac.—*Wm. Clerk*, Surbiton, Kingston-upon-Thames, Surrey, builder, Dec. 12 at 11, Court of Bankruptcy, London, aud. ac.—*Thomas Cummins*, Gateshead, Durham, painter, Dec. 12 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Dec. 14 at 12, fin. div.—*James Howard*, Great Grimaby, Lincolnshire, and Manningtree and Mistley, Essex, shipowner, Dec. 6 at 12, District Court of Bankruptcy, Kingston-upon-Hull, aud. ac.—*George Clay*, Queen-street, Cheapside, London, woollen warehouseman, Dec. 14 at 1, Court of Bankruptcy, London, div.—*D. Hadingham*, Cambridge, linendraper, Dec. 12 at 12, Court of Bankruptcy, London, fin. div.—*John Jacob Hill*, High Holborn, Middlesex, ironmonger, Dec. 14 at 12, Court of Bankruptcy, London, div.—*Wm. Quincey*, Old-street, St. Luke's, Middlesex, tin-plate worker, Dec. 14 at 11, Court of Bankruptcy, London, fin. div.—*John Lamont, John D. Stewart, and John Matraveros*, Skinner-street, Bishopsgate, London, brewers, Dec. 14 at 11, Court of Bankruptcy, London, fin. div.—*C. Salter and R. M. Evans*, Upper King-street, Bloomsbury, Middlesex, and Cornhill, London, tailors, Dec. 14 at 11, Court of Bankruptcy, London, div.—*John Hewett*, Leamington Priors, Warwickshire, brickmaker, Dec. 14 at half-past 12, District Court of Bankruptcy, Birmingham, div.—*John Williams*, Lower Wookey Mill, Wells, Somersetshire, paper maker, Dec. 14 at 11, District Court of Bankruptcy, Bristol, div.—*Francis Turfrey*, Abergavenny, Monmouthshire, brewer, Jan. 4 at 11, District Court of Bankruptcy, Bristol, div.—*Joseph Francis*, Manchester, baker, Dec. 12 at 12, District Court of Bankruptcy, Manchester, div.

**CERTIFICATES.**

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*George Webb*, Shoreditch, Middlesex, cheese-monger, Dec.

13 at 2, Court of Bankruptcy, London.—*Wm. Howell*, Goswell-street, St. Luke's, Middlesex, licensed victualler, Dec. 13 at half-past 1, Court of Bankruptcy, London.—*John Chancellor*, Phoenix-place, Dorington-street, Clerkenwell, Middlesex, and Hyde House, Battersea, Surrey, funeral carriage master, Dec. 13 at 1, Court of Bankruptcy, London.—*H. C. Welford*, Tewkesbury, Gloucestershire, cornfactor, Dec. 22 at 11, District Court of Bankruptcy, Bristol.—*Ralph Hutchinson*, Monkwearmouth Shore, Durham, shipbuilder, Dec. 15 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Joseph Peers*, Ruthin, Denbighshire, scrivener, Dec. 13 at 11, District Court of Bankruptcy, Liverpool.—*John Moate* the elder, Spalding, Lincolnshire, coal merchant, Dec. 12 at 10, District Court of Bankruptcy, Nottingham.—*J. Hewell*, Leamington Priors, Warwickshire, brickmaker, Dec. 14 at 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*Henry Davy*, Fordton, Crediton, Devonshire, linen manufacturer.—*Wm. Mudge*, Paignton, Devonshire, fly proprietor.

#### PETITION ANNULLED.

*Thomas Bunyard*, Maidstone, Kent, grocer.

#### PARTNERSHIP DISSOLVED.

*James Skerratt* and *Joseph Remer*, Sandbach, Cheshire, attornies and solicitors.

#### SCOTCH SEQUESTRATIONS.

*Wm. McLean*, Glasgow, cotton-waste dealer.—*J. Wallace*, Glasgow, contractor.—*Fred. S. Barnjum*, Portobello, wine merchant.—*Francis E. Barnjum*, Portobello, wine merchant.—*John T. Telfer*, Edinburgh, working jeweller.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Joseph Griffiths* the elder, Liverpool, schoolmaster, Nov. 27 at 10, County Court of Lancashire, at Liverpool.—*Wm. J. F. Zink*, Liverpool, clerk to a ship broker, Nov. 27 at 10, County Court of Lancashire, at Liverpool.—*George Walker*, Liverpool, advertising agent, Nov. 27 at 10, County Court of Lancashire, at Liverpool.—*Joseph W. Wardill*, Everton, Walton, Lancashire, commission agent, Nov. 27 at 10, County Court of Lancashire, at Liverpool.—*Thomas Blair*, Liverpool, smallware dealer, Nov. 27 at 10, County Court of Lancashire, at Liverpool.—*Rev. Isaac Urban Cooke*, East Lulworth, Dorsetshire, clerk in orders, Dec. 8 at 10, County Court of Dorsetshire, at Wareham.—*Wm. Brook*, Huddersfield, Yorkshire, commission agent, Dec. 4 at 10, County Court of Yorkshire, at Huddersfield.—*James Rayner*, Huddersfield, Yorkshire, tailor, Dec. 4 at 10, County Court of Yorkshire, at Huddersfield.—*Abraham Ellis*, Huddersfield, Yorkshire, trading in rags, Dec. 4 at 10, County Court of Yorkshire, at Huddersfield.—*Robert Wm. White*, Pembroke, Pembrokeshire, carrier, Dec. 11 at 11, County Court of Pembrokeshire, at Pembroke.—*Robert Cox*, Ilchester, Somersetshire, baker, Dec. 4 at half-past 10, County Court of Somersetshire, at Yeovil.—*Henry Hope*, Wood-hill, near Bury, Lancashire, farmer, Dec. 13 at 11, County Court of Lancashire, at Bury.—*Henry Wood*, Worcester, chip bonnet manufacturer, Dec. 13 at 9, County Court of Worcestershire, at Worcester.—*Robert Blake*, Gravesend, Kent, tobaccoist, Dec. 9 at 10, County Court of Kent, at Gravesend.—*Robert Parr*, Gainsborough, Lincolnshire, brushmaker, Dec. 11 at half-past 11, County Court of Lincolnshire, at Gainsborough.—*Wm. Bartlett*, Ilchester, Somersetshire, baker, Dec. 4 at half-past 10, County Court of Somersetshire, at Yeovil.—*W. Smith James*, Jarrow, Durham, out of business, Dec. 11 at 10, County Court of Durham, at Gatehead.—*Thos. Cleaver*, Harrietsham, Kent, bricklayer, Dec. 5 at 12, County Court of Kent, at Maidstone.—*Thos. George*, Bridge-end, St. Dogmells, Pembrokeshire, cabinet maker, Dec. 14 at 10, County Court of Cardiganshire, at Cardigan.—*Wm. Grayson*, Sheffield, Yorkshire, publican, Dec. 7 at 12, County Court of Yorkshire, at Sheffield.—*Charles Drury*, Mount Pisgah, near Sheffield, Yorkshire, out of business, Dec. 7 at 12, County Court of Yorkshire, at Sheffield.—*John Henry Revill*, Sheffield, Yorkshire, joiner, Dec. 7 at 12, County Court of Yorkshire, at Sheffield.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Dec. 6 at 10, before the CHIEF COMMISSIONER.*

*Rees Wm. Walters*, Princes-st., Storey's-gate, Middlesex, milk seller.—*Moss Levy*, Gravel-lane, Houndditch, Middlesex, butcher.—*Patrick Abisvius Scanlan*, Providence place, Upper East Smithfield, Middlesex, out of employ.—*Charles Eldridge*, St. Matthew's-place, Hackney-road, Middlesex, shoemaker.—*Edward Bascombe*, Alexander-st., Westbourne-park, Paddington, Middlesex, physician.—*William Warne*, Museum-street, Middlesex, greengrocer.

*Dec. 7 at 10, before the CHIEF COMMISSIONER.*

*William Jabez Hall*, Russell-terrace, Warrington-street, Oakley-square, Middlesex, upholsterer.—*Henry Hume*, Half Moon-crescent, Charlotte-street, Barnsbury-road, Islington, Middlesex, wholesale milliner.—*James Pilgrim*, St. John's Wood-terrace, Middlesex, carpenter.—*Abraham Wm. Ling*, Walbrook-place, Hoxton, Middlesex, baker.—*John Morton*, Devonshire-mews West, Portland-place, Marylebone, Middlesex, out of business.—*Eliza Harris*, Roupell-street, Lambeth, Surrey, baker.

*Adjourned Hearing.*

*Dec. 7 at 11, before Mr. Commissioner PHILLIPS.*

*Jonathan Marsden*, Draper's-place, Burton-crescent, New-road, Middlesex, dealer in provisions.

*Saturday, Nov. 18.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Benjamin Burfield*, Borough-road, Southwark, Surrey, out of business, No. 64,654 T.; *John Jefferis*, assignee.—*William Turner*, King-st., Regent-st., Middlesex, licensed victualler, No. 64,701 T.; *Samuel Roper* and *Alfred Roper*, assignees.—*W. Bonney*, Poulton-le-Sands, near Lancaster, contractor, No. 76,806 C.; *Edward Hemingway*, assignee.—*Geo. Sherlock*, Hulme, Manchester, out of business, No. 78,644 C.; *John Lowe*, assignee.—*John Taylor*, Whitley Lower, near Dewsbury, Yorkshire, out of business, No. 78,781 C.; *R. Wood*, assignee.—*Wm. Alexander Holmes*, Ipswich, Suffolk, clerk in the Ordnance Office, Tower of London, No. 78,837 C.; *William Frederick Bowker*, assignee.

*Friday, Nov. 17.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Jacob Fieller*, Goulston-square, Whitechapel, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—*Andrew Isaac Berncastle*, Nelson-square, Blackfriars-road, Surrey, manufacturing furrier: in the Debtors Prison for London and Middlesex.—*John Martin*, Wakefield-street, Regent-street, Gray's-inn-lane, Middlesex, hatter: in the Debtors Prison for London and Middlesex.—*Hermann Ludwig Frederick Christopher Knuth*, Red Lion-st., Clerkenwell, Middlesex, manufacturer of fancy leather goods: in the Debtors Prison for London and Middlesex.—*William Atkins*, Little Stanmore, Edgeware, Middlesex, cattle dealer: in the Debtors Prison for London and Middlesex.—*J. Tarr*, Rosemary Branch Bridge Wharf, Hoxton, Middlesex, coal merchant: in the Debtors Prison for London and Middlesex.—*John Abbott*, Monkwell-st., London, commission agent: in the Debtors Prison for London and Middlesex.—*Chas. Goeringer*, Queen-st., Golden-square, Middlesex, licensed victualler: in the Queen's Prison.—*James Cummins*, Stacey-st., St. Giles's, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Alexander Samuel*, Globe-road, Mile-end-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Thomas Maddar*, Lambeth-walk, Lambeth, Surrey, grocer: in the Gaol of Surrey.—*Susannah Baker*, widow, Stanhope-st., Camden-town, Middlesex, in no business: in the Queen's Prison.

*Saturday, Nov. 18.*

*(On their own Petitions).*

*Joseph Stevens*, Bath, Somersetshire, licensed victualler: in the Gaol of Bristol.—*Eliza Barnett*, St. Day Gwennap, Corn-

wall, out of business: in the Gaol of Bodmin.—*R. Fowler*, Liverpool, railway guard: in the Gaol of Lancaster.—*Thomas Hindmarch*, Morpeth, Northumberland, master mariner: in the Gaol of Morpeth.—*J. T. Robson*, Derby, out of business: in the Gaol of Derby.—*James Kane*, Birmingham, retail brewer: in the Gaol of Warwick.—*W. Holmes*, St. Leonards, Devonshire, commercial traveller: in the Gaol of Exeter.—*John Shores*, Kingston-upon-Hull, out of business: in the Gaol of Kingston-upon-Hull.—*Thomas J. Hill*, Nelson-place, Old Kent-road, Surrey, jobbing dealer: in the Gaol of Maidstone.—*Henry L. Toomer*, Cranbrook, Kent, out of employ: in the Gaol of Maidstone.—*Joseph Lines*, Warmley Siston, near Bristol, Gloucestershire, coal miner: in the Gaol of Gloucester.—*James Wainhouse*, Norland, near Halifax, Yorkshire, farmer: in the Gaol of York.—*Edmund Hallawell*, Norland, near Halifax, Yorkshire, farmer: in the Gaol of York.—*Ely Smith*, Norland, near Halifax, Yorkshire, farmer: in the Gaol of York.—*William Browne*, Leytonstone, Essex, coachbuilder: in the Gaol of Springfield.—*Samuel Barrett*, Great Bolton, Lancashire, out of business: in the Gaol of Lancaster.—*Wm. Andrus*, Gravesend, Kent, out of business: in the Gaol of Maidstone.—*Richard Carlisle*, Bolton-le-Moors, Lancashire, out of business: in the Gaol of Lancaster.—*George Woollen*, Manchester, out of business: in the Gaol of Lancaster.—*John Wormleighton*, Walmer-terrace, Walmer-road, Notting-hill, Middlesex, carpenter: in the Gaol of Maidstone.—*Thomas Y. Newman*, Liverpool, electrician: in the Gaol of Lancaster.—*James Pendlebury*, Little Bolton, Lancashire, out of business: in the Gaol of Lancaster.—*J. Littler*, Dunham-o'-th'-Hill, Cheshire, labourer: in the Gaol of Chester.—*Roger Dusbury*, Over Darwen, near Blackburn, Lancashire, innkeeper: in the Gaol of Lancaster.—*John R. Jones*, West Derby, near Liverpool, commission agent: in the Gaol of Lancaster.—*John Coward*, Manchester, clog-iron maker: in the Gaol of Lancaster.—*Wm. Mellor*, Ashton-under-Lyne, Lancashire, out of business: in the Gaol of Lancaster.—*John Charlton*, St. Thomas-the-Apostle, Devonshire, bleacher: in the Gaol of St. Thomas-the-Apostle.—*Wm. Gist*, Devonport, Devonshire, out of business: in the Gaol of St. Thomas-the-Apostle.—*Joseph Clegg*, Rochdale, Lancashire, out of business: in the Gaol of Lancaster.—*Edward Goring Corbet*, Ashfield, Wavertree, near Liverpool, clerk in a broker's office: in the Gaol of Lancaster.—*W. Clegg*, Salford, Lancashire, butcher: in the Gaol of Lancaster.—*Thomas Smith*, Preston, Lancashire, out of business: in the Gaol of Lancaster.—*Wolff Maurice*, Liverpool, out of business: in the Gaol of Lancaster.—*Thomas Coudrey*, Brighton, Sussex, tobacconist: in the Gaol of Lewes.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Dec. 5 at 10, before the CHIEF COMMISSIONER.*

*Francis Dunham*, Marlborough-mews, Blenheim-street, Oxford-street, Middlesex, carpenter.

*Dec. 5 at 10, before Mr. Commissioner MURPHY.*

*Thomas Bullinaria*, Chatham, Kent, ginger beer maker.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Kent, at MAIDSTONE, Dec. 5 at 12.*

*Thomas Heward*, Maidstone, out of business.—*Wm. P. Fisher*, Dartford, apothecary.—*Henry L. Toomer*, Cranbrook, out of business.—*John Wm. Hunt*, Milton-next-Gravesend, grocer.—*John Wormleighton*, Walmer-terrace, Walmer-road, Notting-hill, Kensington, Middlesex, carpenter.—*Thomas J. Hill*, Chatham, and Swan-place, Old Kent-road, jobbing dealer.

*At the County Court of Northamptonshire, at NORTHAMPTON, Dec. 6.*

*Stephen Smith*, Northampton, butcher.

*At the County Court of Cheshire, at CHESTER, Dec. 6.*

*William Turkington*, Stockport, out of business.—*Charles Hammond*, Sale Moor, in no business.—*James Pearson* the younger, Northern Etcchells, Northern, near Wilmastow, out of business.

*At the County Court of Cornwall, at BODMIN, Dec. 6 at 10.*

*Eliza Barnett*, Gwennap, out of business.

*At the County Court of Essex, at CHELMSFORD, Dec. 7 at 12.*

*Wm. Browne*, Leytonstone, coachbuilder.

*At the County Court of Gloucestershire, at BRISTOL, Dec. 7 at half-past 10.*

*Joseph Stephens*, Bath, Somersetshire, licensed victualler.

*At the County Court of Yorkshire, at KINGSTON-UPON-HULL, Dec. 8.*

*John Shores*, Kingston-upon-Hull, out of business.—*John Frankish*, Kingston-upon-Hull, out of business.

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# The Jurist

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LONDON, DECEMBER 2, 1854.

THINGS which are best in their proper use afford great temptations as well as facilities for their abuse; and therefore we need not be surprised that Justice herself is sometimes rendered subservient to vile purposes. We have heard of robbery being committed even of a judge's wig; we have known purses disappear during the trial of a criminal; and why should not a writ or an indictment be ingeniously converted into an instrument for transferring money from the pocket of one man into that of another?

An action at law is not without its anxieties and its expenses; it is not agreeable, for instance, to be defendant in a suit for false imprisonment, for slander, or for illegal distress, especially when the plaintiff is a pauper; but to find oneself presented by the jurors of our Lady the Queen as a criminal, to undergo the ordeal of a trial at the Old Bailey, is so repugnant to the feelings of most persons, although supported by the consciousness of innocence, that they would in most instances willingly make a money commutation. It is the knowledge of this fact that renders legal process, especially of a criminal nature, available as a mighty engine of oppression and extortion. Private individuals, actuated by the desire of plunder or revenge, are ready, and often able, to put the law into motion in order to accom-

plish their base object; they find or they create some ground-work, which, however slight, however rotten, may yet answer the end. Unhappily they can find disreputable members of the legal Profession capable of lending, or rather selling, themselves to private speculations of this character; there are also other members of the Profession who, without intending to do wrong, are equally dangerous—we mean those who enter with such blind and rampant zeal into their client's views, that they disregard all manifestations and proofs of his want of case or want of honesty on the one hand, and of the complete defence which may exist on the other.

How easily an indictment may be managed in the manner we have above sketched out has been plainly shewn upon two recent and memorable occasions—one known as *The Alleyne's case*; the other as *The Brighton Card-cheating case*. They are worthy of a little consideration, and we propose briefly to state the facts in each.

In the former case, an indictment had been preferred against two brothers of the name of Alleyne, and a person of the name of Darcy, (all of whom had been officers in the army), for conspiring to defraud Thomas Blair Kennedy (an officer in the East India Company's service) of 7300*l*. It appeared at the trial that James Alleyne had laid a wager with Kennedy of 7300*l*., that an American mare, of which Alleyne was owner, would trot eighteen miles in the hour. She had really once accomplished this feat, but had become lame since the making of the wager; and now the defendants, knowing that she could not win, made such representations to Kennedy as to the certainty of his losing, that he was actually induced to pay the full sum of 7300*l*. without any trial of the mare's speed being made. The defendants were convicted, and sentenced to various terms of imprisonment; which, however, they evaded by leaving the country. Overtures were now made on their behalf for a compromise, which resulted



in the suing out of a writ of error by the defendants, a collusive judgment thereon in their favour, and the payment of 5000*l.* to Kennedy. The prosecutor (Kennedy) left for America; but no sooner had he done so than the Alleynes indicted him and his solicitor for conspiring to extort money by means of the compromise. Kennedy now again assumed the offensive, and the consequence was, that the writ of error and judgment upon it were quashed, on the ground that the one had been sued out and the other obtained by collusion.

In the other case, a young man of the name of John Hamp, in the full tide of dissipation and extravagance, became the dupe of sharpers, and having been cheated at cards out of a large sum of money, prosecuted and convicted two of them. He was also bound over in the sum of 500*l.* to prosecute a third person, (John Broome); but again falling among his former associates, he was induced to make an affidavit contradicting all that he had sworn before the magistrate. He was therefore in the position that he must either forfeit his recognisances or be indicted for perjury. His uncle, a highly respected clergyman in Gloucestershire, now appeared upon the scene. Alarmed at the danger in which his nephew was placed, he did not oppose an arrangement that was now brought forward, namely, that Hamp should forbear further prosecution, should forfeit 100*l.* of his recognisances, and receive 400*l.* The cheque, on a bank in Birmingham, for 400*l.* was handed to the uncle, and almost before the ink with which it had been signed was dry, payment of it had been stopped in Birmingham by means of the electric telegraph! The next step was an indictment, by the wife of the man who should have been prosecuted, against Hamp and the clergyman, who should have prosecuted him. The jury had no alternative but to find the defendants guilty of having compromised a criminal offence, but they expressed their unanimous opinion that they had been "the victims of a base and infamous conspiracy." The Court\* very properly postponed judgment sine die.

These are but two instances dragged to light of the corrupt use which is often made of the law. How many exist which are never known to the public!

The remedy for such a state of things is not very clear: fraud is not easily guarded against at all points, and we doubt whether even the appointment of a public prosecutor would be found effectual against the recurrence of these "base and infamous conspiracies."

We know something, however, of the extent of the evil, which is the first step towards its redress. The publication of the facts of the above cases may probably tend to counteract the compromise of offences, by proving to those who are parties to such arrangements how completely they put themselves at the mercy of others, whose only object is the extortion of further plunder.

#### COURT OF EXCHEQUER.

MICHAELMAS TERM.—18 VICTORIA.—Nov. 24, 1854.

This Court will, on Monday the 4th, Tuesday the 5th, and Wednesday the 6th days of December next, hold sittings; and will, at such sittings, proceed in disposing of the business then pending in the special paper; and will also proceed in giving judgment in all matters then standing for judgment.

FREDERICK POLLOCK.  
J. PARKE.  
E. H. ALDERSON.  
T. J. PLATT.

\* Queen's Bench, Nov. 4, 1854.

#### REGULA GENERALIS.

##### MICHAELMAS VACATION, 1854.

It is ordered, that the practice to be observed in the superior courts of common law at Westminster, with respect to the matters hereinafter mentioned, shall be as follows; that is to say—

1. The provisions as to pleadings and practice contained in the Common-law Procedure Act, 1852, and the rules of practice of the superior courts of common law made on the 11th January, 1853, and also the rules of pleading which came into operation on the first day of Trinity Term, 1853, so far as the same are or may be made applicable, shall extend and apply to all proceedings to be had or taken under the Common-law Procedure Act, 1854.

2. Every affidavit to be hereafter used in any cause or civil proceeding in any of the said superior courts of common law shall be drawn up in the first person, and shall be divided into paragraphs, and every paragraph shall be numbered consecutively, and, as nearly as may be, shall be confined to a distinct portion of the subject. No costs shall be allowed for any affidavit or part of an affidavit substantially departing from this rule. This rule not to be in force until the first day of Easter Term next.

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E. H. ALDERSON.	R. B. CROWDER.

Nov. 27, 1854.

#### FORMS OF PROCEEDINGS.

The forms of proceedings contained in the Schedule hereunder may be used in the cases to which they are applicable, with such alterations as the nature of the action, the description of the court in which the action is depending, the character of the parties, or the circumstances of the case may render necessary; but any variance therefrom, not being in matter of substance, shall not affect their validity or regularity.

##### SCHEDULE.

1. *Issue of Fact to be tried by a Judge without a Jury.*

[*Proceed as in an issue to be tried by a jury, as in ordinary cases, until the joinder of issue, and then thus:*] And the parties aforesaid having, by consent in writing duly signed, left the decision of the said issue [or "issues"] to the Court, it was on the — day of —, 18—, (*date of rule or order for allowance of trial*), by a rule of this Court [or "by an order of the Honourable Sir —, Knight, one of her Majesty's justices of her Court of Queen's Bench or Common Pleas," or "one of the barons of her Majesty's Court of Exchequer," as the case may be], ordered that such trial should be allowed: therefore let the same be had accordingly.

2. *Subpoena thereon, and in other Cases.*

[*The same as the form now in use, but in all cases omit the words "by a jury."*]

3. *Nisi Prius Record therein.*

[*The same as the form already directed by rule of Hilary Term, 1853.*]

4. *Postea therein, on a Verdict for the Plaintiff on all the Issues, where the Cause is tried in London or Middlesex, and where the Defendant appears at the Trial.*

Afterwards, on the — day of —, 18—, (*the first day of the sittings or the day of the trial*), at the Guildhall of the city of London [or "at Westminster Hall, in the county of Middlesex"], before Sir —, Knight, one of her Majesty's justices of her Court of Queen's Bench [or "Common Pleas," or "one of the barons of

her Majesty's Court of Exchequer," as the case may be; or if tried before the Chief Justice or Chief Baron, state the fact, as in the prescribed form of postea on a trial before a jury; if tried before two judges, state the names of both, and of the court of which they are judges], come the parties within mentioned, by their respective attorneys within mentioned, for the trial of the said issue [or "issues"], and the said judge [or "baron," or "chief justice," or "chief baron," as the case may be] decides the said issue [or "each of the said issues"] in favour of the plaintiff, [or the decision may be stated in the affirmative or negative words of the issue, as, for example, thus: "And the said judge [or "baron"], as to the first issue within joined, decides that the defendant did promise as within alleged; and as to the second issue within joined, the said judge [or "baron"] decides that the defendant did not satisfy and discharge the plaintiff's claim by payment, as within alleged"]; and the said judge [or "baron"] assesses the damages of the plaintiff, on occasion of the premises within complained of, over and above his costs of suit, to £— [Omit the assessment of damages if none made]: Therefore &c.

##### 5. The like where the Trial was at the Assizes.

Afterwards, on the — day of —, 18—, (the commission day of the assizes), at —, in the county [or "city"], at the assizes there holden in and for the said county [or "city"], before Sir —, Knight, one of her Majesty's justices of her Court of — [or "one of the barons of her Majesty's Court of the Exchequer," as the case may be], come the parties, &c. [Conclude as in the preceding form.]

##### 6. The like where one Issue is found for the Plaintiff and another for the Defendant, the latter going to the whole Action.

[Proceed as in the preceding forms of postea to the statement of the appearance of the parties at the trial, and then thus:] And the said judge [or "baron," or "chief justice," or "chief baron," as the case may be] decides the first issue within joined in favour of the plaintiff; and he decides the second issue within joined in favour of the defendant, [as the case may be; or the decision may be stated in the affirmative or negative of each issue, as directed in the preceding form]: Therefore &c.

##### 7. Judgment thereon for the Plaintiff.

[Copy the issue, and then proceed thus:] Afterwards, on the — day of —, 18—, (day of signing final judgment), come the parties aforesaid, by their respective attorneys aforesaid, and Sir —, Knight, one of her Majesty's justices of her Court of — [or "one of the barons of her Majesty's Court of Exchequer," as the case may be; or if tried before the Chief Justice or Chief Baron, state the fact as in the prescribed form of postea in a trial before a jury; if tried before two judges, state the names of both, and of the court of which they are judges], by whom the said issue was [or "issues were"], tried, hath [or "have"] sent hither his [or "their"] record had before him [or "them"] in these words: Afterwards, &c. [copy the postea]: Therefore it is considered that the said plaintiff do recover against the defendant the said monies by the said judge [or "baron," or "chief justice," or "chief baron," as the case may be] so assessed, and £— for his costs of suit.

[In the margin of the roll, opposite the words "Therefore it is considered," write "Judgment, signed the — day of —, A.D. —," inserting the day of signing the judgment.]

##### 8. Execution thereon.

[The same as in ordinary cases.]

##### 9. Writs of Execution where the Court or a Judge decides on Matters of Account.

[The same as in ordinary cases of execution on a judg-

ment, except that instead of the writ stating the money to be levied as having been recovered by a judgment, and omitting the direction to levy interest, say, "£—, which by a rule of our Court of Queen's Bench [or "Common Pleas," or "by an order of Sir —, Knight, one of our justices of our Court of Queen's Bench or Common Pleas," or "one of the barons of our Exchequer," as the case may be], dated the — day of —, 18—, made in pursuance of the 3rd section of the Common-law Procedure Act, 1854, in an action commenced in our said Court of —, at the suit of A. B. [or "the said A. B.," if before mentioned] against the said C. D., was ordered to be paid by the said C. D. to the said A. B." [as the case may be, following the terms or substance of the rule or order.] [If costs were ordered to be paid, then the direction to levy them may be thus: "together with certain costs in the said rule [or "order"] mentioned, which said costs were afterwards, on the — day of —, 18—, taxed and allowed by our said Court of —, at £—." [If the rule or order directs that interest shall be paid, then the direction to levy it may be thus: "together also with interest on the said sum of £—, at the rate of £— per cent. from the said — day of —, 18—," as the case may be, according to the rule or order.]

##### 10. Writs of Execution where Matter of Account is referred to and decided on by an Arbitrator, Officer of the Court, or County Court Judge.

[The same as directed in the preceding form, but instead of stating the levy to be of money ordered by a rule or order to be paid, say, "£—, which by an award [or "certificate"] dated the — day of —, 18—, (date of award or certificate), made by E. F., Esquire, an arbitrator appointed by the parties [or, "by E. F., Esquire, one of the Masters (or other officer, naming his office) of our Court of —," or "by E. F., Esquire, the judge of the County Court of —," as the case may be], pursuant to the 3rd section of the Common-law Procedure Act, 1854, was awarded [or "certified"] to be due and payable from the said C. D. to [the said] A. B."

##### 11. Special Case for the Opinion of the Court under Sect. 4 of the Common-law Procedure Act, 1854, where the Allowance or Disallowance of a particular Item or Items depends on a Question of Law.

In the Queen's Bench [or "Common Pleas" or "Exchequer."]

Between { A. B., Plaintiff,  
and  
C. D., Defendant.

The following case is stated for the opinion of the Court, under a rule of the Court [or "order of the Honourable Mr. Justice —," or "Baron —"] dated the — day of —, 18—, made pursuant to the 4th section of the Common-law Procedure Act, 1854. [Here state the material facts of the case bearing upon the question of law to be decided.]

The question [or "questions"] for the opinion of the Court is [or "are"]:

First. Whether [&c.]

Second. Whether [&c.]

##### 12. Issue to be tried by a Jury where the Court or a Judge has directed it, under Sect. 4, where the Allowance or Disallowance of a particular Item or Items depends on a Question of Fact.

In the Queen's Bench [or "Common Pleas," or "Exchequer of Pleas."]

The — day of —, 18—, (date of issue when delivered by the plaintiff).

(Venue). A. B., by — his attorney, sues C. D., and the plaintiff [or "defendant"] affirms, and the defendant [or "plaintiff"] denies, that &c. [Here state the question of fact to be tried as directed by the court or

judge. In some cases it may be advisable to state an inducement before stating the question in dispute.] [If there be more than one question to be decided, state it thus: "and the said plaintiff [or "defendant"] also affirms, and the defendant [or "plaintiff"] also denies, that," &c.] And it has been ordered by the Court [or "by the Honourable Mr. Justice —," or "Baron —"] that the said question [or "questions"] shall be tried by a jury: therefore let the same be tried accordingly.

### 13. *Postea thereon.*

[The same as in ordinary cases, except that there is no assessment of damages.]

### 14. *Special Case stated by an Arbitrator under Sect. 5 of the Common-law Procedure Act, 1854.*

[In the special case the arbitrator must state whether the arbitration is under a compulsory reference under the act, or whether it is upon a reference by consent of the parties, where the submission has been or is to be made a rule or order of one of the superior courts of law or equity at Westminster. In the former case the award must be intitled in the court and cause, and the rule or order of the Court must be set forth. In the latter case the terms of the reference relating to the submission being made a rule or order of Court must be set forth.]

### 15. *Judgment thereon when a Judgment has been ordered.*

[Copy the special case, and then proceed thus:] Afterwards, on the — day of —, 18—, come here the parties aforesaid, and the Court is of opinion that [state the opinion of the Court on the question or questions stated in the case, in the affirmative or negative, as the case may be.] Therefore it is considered that the plaintiff do recover against the defendant the said £—, and £— for his costs of suit.

[In the margin, opposite the words "Therefore it is considered" &c., write "Judgment, signed the — day of —, 18—," inserting the day of signing final judgment.]

### 16. *Postea, where the Judge, upon the Trial of an Issue in Fact before him, under Sect. 1, directs an Arbitration as to Part of the Claim, under Sect. 6 of the Common-law Procedure Act, 1854.*

[Proceed as in the above prescribed form of *postea* No. 4 or 5, as the case may be, to the statement of the appearance of the parties at the trial inclusive, and then proceed thus:] And as to the plaintiff's claim in the — count of the declaration within mentioned [as the case may be], it appears to the said judge [or "baron"] that the questions arising thereon involve matter of account which cannot conveniently be tried before him; and hereupon the said judge [or "baron"] orders that the plaintiff's claim in the said — count in the declaration mentioned be referred to E. F., of —, Esquire, an arbitrator appointed by the said parties [or "to E. F., Esquire, being one of the Masters of the Court of Queen's Bench," or "Common Pleas," or "Exchequer of Pleas," (or other officer of the court, stating his office), or "to E. F., Esquire, being the judge of the County Court of —, upon the terms that &c. [set forth the terms of the order], and the said judge [or "baron"] decides each of the said issues, except those relating to the said — count of the declaration, in favour of the plaintiff [or the statement of the decision may be in the affirmative or negative words of the issue, as, for example, thus:] "And the said judge [or "baron"], as to the first issue within joined, decides that the defendant is guilty as within in the — count of the declaration alleged; and as to the second issue within joined, the said judge [or "baron"] decides that the defendant did not commit the acts within in the — count of the declaration alleged by the plaintiff's leave." And the said judge [or "baron"] assesses the damages of the plaintiff, on occasion of the premises

within in the — count of the declaration complained of, over and above his costs of suit, to £ — [Omit the assessment of damages, if none made.] Therefore &c.

### 17. *Writ of Habere Facias Possessionem, on a Rule to deliver Possession of Land pursuant to an Award.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to the Sheriff of — greeting. We command you that you omit not by reason of any liberty of your county, but that you enter the same, and without delay you cause A. B. to have possession of — [here describe the lands and tenements as in the rule for the delivery of possession], and which lands and tenements, by a rule of our Court of Queen's Bench [or "Common Pleas," or "Exchequer of Pleas"], dated the — day of —, 18—, made pursuant to the 16th section of the Common-law Procedure Act, 1854, E. F. (the party named in the rule) was ordered to deliver possession to the said A. B.; and in what manner you have executed this our writ make appear to us [or in *Common Pleas*, "to our justices," or in *Exchequer*, "to the barons of our Exchequer"], at Westminster, immediately after the execution hereof; and have you there then this writ. Witness —, at Westminster, the — day of —, in the year of our Lord —.

### 18. *Judgment for the Plaintiff on a Special Case stated under Sect. 32 of the Common-law Procedure Act, 1854.*

[Copy the special case, and then proceed thus:] Afterwards, on —, come here the parties aforesaid by their respective attorneys aforesaid, and the Court is of opinion that &c. [state the opinion of the Court on the question or questions stated in the case.] Therefore it is considered that the plaintiff do recover against the defendant the said £—, and £— for his costs of suit.

[In the margin, opposite the words "Therefore it is considered" &c., write "Judgment, signed the — day of —, 18—," inserting the day of signing final judgment.]

### 19. *Judgment of Affirmance by Court of Error in Exchequer Chamber on a Special Case.*

[Copy to the end of the judgment on the roll in the action, and then proceed thus:] Afterwards, on — (the day of lodging the note of error), the defendant [or "plaintiff"] delivered to one of the Masters of the Court here a memorandum in writing in the form required by and according to the statute in that case made and provided, alleging that there was error in law in the record and proceedings aforesaid; and afterwards, on — (the day of making the entry of the suggestion on the roll), the defendant [or "plaintiff"] said that there was no error therein; and thereupon, afterwards, on — (the day of giving judgment in the *Exchequer Chamber*), in the Court of *Exchequer Chamber* of our Lady the Queen, before the justices of the Common Bench of our said Lady the Queen and the barons of her *Exchequer*, [or if the error be on a judgment of *Common Pleas*, say "before the justices of our Lady the Queen assigned to hold pleas in the court of our said Lady the Queen before the Queen herself and the barons of her *Exchequer*," or if the error be on a judgment of the *Exchequer*, say, "before the justices of our Lady the Queen assigned to hold pleas in the court of our Lady the Queen before the Queen herself and the justices of the Common Bench of our said Lady the Queen"], come as well the plaintiff as the defendant, by their respective attorneys aforesaid\*, and it appears to the said Court of Error in the *Exchequer Chamber* that there is no error in the record and proceedings aforesaid, or in giving the judgment aforesaid; therefore it is considered by the said Court of Error that the judgment aforesaid be in all things affirmed, and stand in full force and effect, the said causes above for

error suggested in anywise notwithstanding; and it is further considered by the same Court that the said plaintiff do recover against the defendant £— for his damages and costs which he had sustained and expended by reason of the delay of execution of the judgment aforesaid, on pretence of the prosecution of the said proceedings in error, and that the plaintiff have execution thereof.

#### 20. Judgment of Reversal in the like Case.

[*The same as the preceding form to the asterisk\*, and then thus.*] And it appears to the said Court of Error that there is manifest error in the record and proceedings aforesaid, and in giving the judgment aforesaid: therefore it is considered by the said Court of Error that the judgment aforesaid for the errors aforesaid be reversed, annulled, and altogether holden for nought, and that the said defendant be restored to all things which he hath lost by occasion of the said judgment, &c.

#### 21. Judgment of Court of Appeal in Exchequer Chamber on a Disposal of the Appeal in the Plaintiff's Favour, where Judgment for him had been given in the Court below, under the 41st and 42nd Sections of the Common-law Procedure Act, 1854.

[*Copy the case for the appeal as stated by the parties, and then proceed thus:*] Afterwards, on — (the day of giving judgment of Court of Appeal), in the Court of Exchequer Chamber of our Lady the Queen, before the justices of the Common Bench of our Lady the Queen and the barons of her Exchequer, [or if the appeal be from the Common Pleas, say, "before the justices of our Lady the Queen assigned to hold pleas in the court of our Lady the Queen before the Queen herself and the barons of her Exchequer;" or if the appeal be from the Exchequer, say, "before the justices of our Lady the Queen assigned to hold pleas in the court of our Lady the Queen before the Queen herself and the justices of the Common Bench of our said Lady the Queen"], come the parties aforesaid, by their respective attorneys aforesaid; and the said Court of Appeal decide that &c. [state the decision of the Court upon the questions raised by the case on appeal]; and it is considered by the said Court of Appeal that the plaintiff do recover against the defendant £— for his costs which the plaintiff hath sustained and expended in the said appeal, and that the plaintiff have execution thereof.

#### 22. Fi. Fa. against a Garnishee, under the 63rd Section of the Common-law Procedure Act, 1854, where Debt not disputed, or Garnishee does not appear.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to the sheriff of — greeting. We command you that you omit not by reason of any liberty of your county, but that you enter the same, and of the goods and chattels of E. F. in your bailiwick you cause to be levied £—, being the amount of [or "part of the amount of," if the debt be more than the judgment debt] a debt due from the said E. F. to C. D., heretofore attached in the hands of the said E. F., by an order of Sir —, Knight, one of our justices of our Court of Queen's Bench, [or "one of our justices of our Court of Common Pleas," or "one of the barons of our Exchequer"], dated — (date of order), pursuant to the statute in such case made, to satisfy [or, if the debt be less than the judgment debt, say, "towards satisfying"] £—, which A. B. lately in our Court of Queen's Bench [or "Common Pleas," or "Exchequer of Pleas"] recovered against the said C. D., whereof the said C. D. is convicted; and that you have that sum of £— before us [or in Common Pleas, "before our justices," or in Exchequer, "before the barons of our Exchequer"], at Westminster, immediately after the execution hereof, to be rendered to the said A. B.

in satisfaction as aforesaid, and that you do all such things as by the statute passed in the second year of our reign you are authorised and required to do in this behalf; and in what manner you shall have executed this our writ make appear to us [or in the Common Pleas, "to our justices," or in the Exchequer, "to the barons of our Exchequer," as the case may be] at Westminster, immediately after the execution hereof, and have you there then this writ. Witness —, at Westminster, the — day of —, in the year of our Lord —.

#### 23. Ca. Sa. in the like Case.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to the Sheriff of — greeting. We command you that you omit not by reason of any liberty in your county, but that you enter the same, and take E. F., if he be found in your bailiwick, and him safely keep, so that you may have his body before us [or in Common Pleas, "before our justices," or in Exchequer, "before the barons of our Exchequer"], at Westminster, immediately after the execution hereof, to satisfy A. B. £—, being the amount [or "part of the amount," if the debt be more than the judgment debt] of a debt due from the said E. F. to C. D., heretofore attached in the hands of the said E. F. by an order of Sir —, Knight, one of our justices of our Court of Queen's Bench [or "one of our justices of our Court of Common Pleas," or "one of our barons of the Exchequer"], dated — (date of order), pursuant to the statute in such case made and provided, to satisfy [or "towards satisfying," if the debt be less than the judgment debt] £—, which the said A. B. lately in our said Court of Queen's Bench [or "Common Pleas," or "Exchequer of Pleas," as the case may be] recovered against the said C. D., whereof the said C. D. is convicted; and have you there then this writ. Witness —, at Westminster, the — day of —, in the year of our Lord —.

#### 24. Writ against Garnishee to shew Cause why the Judgment Creditor should not have Execution against him for the Debt disputed by him.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to E. F. greeting. We command you that within eight days after the service of this writ upon you, inclusive of the day of such service, you appear in our Court of Queen's Bench [or "Common Pleas," or "Exchequer of Pleas"] to shew cause why A. B. should not have execution against you for £—, being the amount [or "part of the amount," if the debt exceeds the judgment debt] of a debt due from you to C. D., to satisfy [or "towards satisfying," if the debt be less than the judgment debt] £—, which on the — day of —, 18—, (date of judgment), the said A. B. by a judgment of our Court of Queen's Bench [or "Common Pleas," or "Exchequer of Pleas"] recovered against the said C. D., and for costs of suit in this behalf; and take notice, that in default of your so doing, the said A. B. may proceed to execution. Witness —, at Westminster, the — day of —, in the year of our Lord —.

[The following indorsement must be made on the writ:] This writ was issued by P. A. [plaintiff's attorney's name in full] of — [place of his abode in full; also if sued out as agent for an attorney in the country, here say, "as agent for A. A. of —"], attorney for the said A. B. [or if sued out by the plaintiff in person, "This writ was issued in person by the plaintiff within named, who resides at —," mentioning the city, town, or parish, and also the name of the hamlet, street, and number of the house of the plaintiff's residence, if any such there be.]

The plaintiff claims £— [the amount of the debt]

claimed from the garnishes], and £— for costs, and if the amount thereof be paid to the plaintiff or his attorney within four days from the service hereof, further proceedings will be stayed.

[Within three days after the service fill up the following indorsement:] This writ was served by me, X. Y., on G. D., on the — day of —, 18—.

#### 25. Declaration thereon.

In the Queen's Bench [or "Common Pleas," or "Exchequer of Pleas,"]

The — day of —, A. D. —.

(*Venue*). A. B., by — his attorney [or "in person"], sues E. F. by a writ issued forth of this court, in these words, "Victoria," &c. [copy the writ]; and the said E. F. has appeared to the said writ, and the said A. B., by his attorney aforesaid, says that the said debt due from the said E. F. to the said C. D. is for &c. [here state the debt as in a declaration in ordinary cases]; and the said A. B. prays that execution may be adjudged to him accordingly for the said £—, and for costs of suit in this behalf.

#### 26. Plea thereto.

In the Queen's Bench [or "Common Pleas," or "Exchequer of Pleas,"]

The — day of —, A. D. —.

E. F. } The said E. F., by — his attorney, says  
as A. B. } that he never was indebted to the said  
C. D., as alleged [or plead such other defence, or several defences, as in other cases.]

#### 27. Issue thereon.

[Copy the declaration and pleadings, and conclude thus:] Therefore let a jury come &c.

#### 28. Postea thereon.

[The same as in ordinary cases, omitting the assessment of damages.]

#### 29. Judgment for Plaintiff therein.

[The same as in ordinary cases, to the statement of the judgment, which may be thus:] Therefore it is considered that the said A. B. have execution against the said E. F. for the said £—, the amount [or "part of the amount"] of the said debt due from him to the said C. D., to satisfy [or "towards satisfying," if the debt be less than the judgment debt] the said £—, which the said A. B., on the said — day of —, 18—, (date of judgment against judgment debtor), by the judgment of this Court recovered against the said C. D.; and it is further considered that the said A. B. do recover against the said E. F. £— for his costs of suit in this behalf.

#### 30. Fi. Fa. therein.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to the Sheriff of — greeting. We command, you that you omit not by reason of any liberty of your county, but that you enter the same, and of the goods and chattels of E. F. in your bailiwick you cause to be made £—, the amount [or "part of the amount," if the debt be more than the judgment debt] of a debt due from the said E. F. to C. D., to satisfy [or "towards satisfying," if the debt be less than the judgment debt] £—, which A. B., on the — day of —, 18—, (date of judgment against judgment debtor), by the judgment of our Court of Queen's Bench [or "Common Pleas," or "Exchequer of Pleas"] recovered against the said C. D., and whereupon it has been adjudged by our said Court that the said A. B. should have execution against the said E. F. for the said £—, and also £—, which in our same court were adjudged to the said A. B. for his costs of suit which he hath been put to on occasion of our writ sued out against the said E. F. at the suit of the said A. B.

in that behalf, whereof the said E. F. is convicted, and have the said monies before us [or in *Common Pleas*, "before our justices," or in the *Exchequer*, "before the barons of our Exchequer"], at Westminster, immediately after the execution hereof, to be rendered to the said A. B., and that you do all such things as by the statute passed in the second year of our reign you are authorised and required to do in this behalf; and in what manner you shall have executed this our writ make appear to us [or in the *Common Pleas*, "to our justices," or in the *Exchequer*, "to the barons of our Exchequer," as the case may be], at Westminster, immediately after the execution hereof; and have you there then this writ: Witness —, at Westminster, the —, day of —, in the year of our Lord —.

#### 31. Ca. Sa. therein.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to the Sheriff of — greeting. We command you that you omit not by reason of any liberty of your county, but that you enter the same, and take E. F., if he should be found in your bailiwick, and him safely keep, so that you may have his body before us [or in the *Common Pleas*, "before our justices," or in the *Exchequer*, "before the barons of our Exchequer," as the case may be], at Westminster, immediately after the execution hereof, to satisfy A. B. £—, the amount [or "part of the amount," if the debt be more than the judgment debt] of a debt due from the said E. F. to C. D., and for the levying of which it has been adjudged by our Court of Queen's Bench [or "Common Pleas," or "Exchequer of Pleas"] that the said A. B. should have his execution against the said E. F. to satisfy [or "towards satisfying," if the debt be less than the judgment debt] £—, which the said A. B., on — (the date of the judgment against the judgment debtor), by the judgment of the said Court recovered against the said C. D., and further to satisfy the said A. B. £—, which in our same court were adjudged to the said A. B. for his costs of suit which he hath been put to on occasion of our writ sued out against the said E. F. at the suit of the said A. B. in that behalf, whereof the said E. F. is convicted; and have you there then this writ. Witness —, at Westminster, the — day of —, in the year of our Lord —.

#### 32. Judgment for the Plaintiff after Verdict that a Mandamus do issue, under Sect. 71 of the Common-law Procedure Act, 1854.

[The same as in the ordinary form of an entry of a judgment to the end of the postea, and then thus:] Therefore it is considered that a writ of mandamus do issue commanding the defendant to [here state the duty to be performed, or the thing to be done, as claimed by the declaration]: and it is also considered that the plaintiff do recover of the defendant the said monies by the justices [or "by the judge" or "baron"] aforesaid in form aforesaid above assessed, and also £— for his costs of suit in this behalf.

[In the margin of the judgment opposite the first words, "Therefore it is considered" &c., write "Judgment, signed the — day of —, 18—," inserting the day of signing final judgment.]

#### 33. Writ of Inquiry to ascertain the Expenses incurred by the doing of an Act, and for the doing of which a Mandamus was issued.

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to the Sheriff of — greeting. Whereas upon an application by A. B., the plaintiff in an action against C. D. in our Court of Queen's Bench [or "Common Pleas," or "Exchequer of Pleas," as the case may be] at Westminster, our said Court did on the — day of —, A. D. — (date of order), direct that

— [state the terms of the order directing the act to be done at the defendant's expense]; and the said A. B. [or "and E. F." if another person than the plaintiff has been appointed by the Court to do the act] has done the said act so directed to be done; and in order to enable our said Court to ascertain the amount of the expense of the doing the same, we command you that by the oath of twelve good and lawful men of your bailiwick you diligently inquire what is the amount of the expenses incurred by the said A. B. [or "by E. F.," as the case may be] in the doing of the said act, and that you send to us [or in *Common Pleas*, "to our justices," or in *Exchequer*, "to the barons of our Exchequer"], at Westminster, on the — day of — now next ensuing, the inquisition which you shall thereupon take, under your seal, and the seal of those by whose oath you shall take that inquisition, together with this writ. Witness — (name of Chief Justice, or in *Exchequer* of Chief Baron), at Westminster, the — day of —, in the year of our Lord —.

34. *Writ of Execution in Detinue under Sect. 78 of the Common-law Procedure Act, 1854, for the Return of the Chattel detained, and for a Distringas until returned, separate from a Writ for Damages or Costs.*

Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to the Sheriff of — greeting. We command you that you omit not by reason of any liberty of your county, but that you enter the same, and without delay you cause the following chattels, that is to say, [here enumerate the chattels recovered by the judgment for the return of which execution has been ordered to issue], to be returned to A. B., which the said A. B. lately in our court before us [or in the *Common Pleas*, "before our justices," or in the *Exchequer*, "before the barons of our Exchequer"] at Westminster recovered against C. D. in an action for the detention of the same, whereof the said C. D. is convicted\*. And we further command you, that if the said chattels cannot be found in your bailiwick, you omit not by reason of any liberty of your county, but that you enter the same, and distrain the said C. D. by all his lands and chattels in your bailiwick, so that neither the said C. D., nor any one for him, do lay hands on the same, until the said C. D. render to the said A. B. the said chattels; and in what manner you shall have executed this our writ make appear to us [or in *Common Pleas*, "to our justices," or in *Exchequer*, "to the barons of our Exchequer"], at Westminster, immediately after the execution hereof; and have you there then this writ. Witness —, at Westminster, the — day of —, in the year of our Lord —.

35. *The like, but instead of a Distress until the Chattel is returned, commanding the Sheriff to levy on Defendant's Goods the assessed Value of it.*

[Proceed as in the preceding form until the\*, and then thus:] And we further command you, that if the said chattels cannot be found in your bailiwick, you omit not by reason of any liberty of your county, but that you enter the same, and of the goods and chattels of the said C. D. in your bailiwick you cause to be made £ — (the assessed value of the chattels), whereof the said C. D. is also convicted; and that in the execution of this our last-mentioned command you do all such things as by the statute passed in the second year of our reign you are authorised and required to do in this behalf; and in what manner you shall have executed this our writ make appear to us [or in the *Common Pleas*, "to our justices," or in the *Exchequer*, "to the barons of our Exchequer," as the case may be] at Westminster, immediately after the execution hereof; and have you there then this writ. Witness —, at Westminster, the — of —, in the year of our Lord —.

38. *Indorsement on Writ of Summons of Claim of a Writ of Injunction, under Sect. 79 of the Common-law Procedure Act, 1854.*

The plaintiff intends to claim a writ of injunction to restrain the defendant from — [here state concisely for what the writ of injunction is required, as, for example, thus: "felling or cutting down any timber or trees standing, growing, or being in or upon the land and premises at —, in the county of —, and from committing any further or other waste or spoil in or upon the said land and premises."]. And take notice, that in default of the defendant's entering an appearance as within commanded, the plaintiff may, besides proceeding to judgment and execution for damages and costs, apply for and obtain such writ.

CAMPBELL.	C. CRESSWELL.
JOHN JERVIS.	W. ERLE.
FRED. POLLOCK.	SAML. MARTIN.
J. PARKE.	CHARLES CROMPTON.
E. H. ALDERSON.	R. B. CROWDER.

Nov. 27, 1854.

### Court Papers.

EQUITY SITTINGS, AFTER MICHAELMAS TERM, 1854.

#### Court of Chancery.

Before the LORD CHANCELLOR, at Lincoln's Inn.

Friday .....	Dec. 1	First Seal.—Appeal Motions and Appeals.
Saturday .....	2	Petitions and Appeals.
Monday .....	4	
Tuesday .....	5	Appeals.
Wednesday .....	6	
Thursday .....	7	Second Seal.—Appeal Motions and Appeals.
Friday .....	8	
Saturday .....	9	
Monday .....	11	Appeals.
Tuesday .....	12	
Wednesday .....	13	
Thursday .....	14	Third Seal.—Appeal Motions and Appeals.
Friday .....	15	
Saturday .....	16	Appeals.
Monday .....	18	
Tuesday .....	19	Fourth Seal.—Appeal Motions and Appeals.
Wednesday .....	20	Petitions and Appeals.

Before the LORDS JUSTICES, at Lincoln's Inn.

Friday .....	Dec. 1	First Seal.—Appeal Motions and Appeals.
Saturday .....	2	
Monday .....	4	Appeals.
Tuesday .....	5	
Wednesday .....	6	
Thursday .....	7	Second Seal.—Appeal Motions and Appeals.
Friday .....	8	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday .....	9	
Monday .....	11	Appeals.
Tuesday .....	12	
Wednesday .....	13	
Thursday .....	14	Third Seal.—Appeal Motions and Appeals.
Friday .....	15	Petitions in Lunacy and Bankruptcy, and Appeal Petitions.
Saturday .....	16	Appeals.
Monday .....	18	
Tuesday .....	19	Fourth Seal.—Appeal Motions.
Wednesday .....	20	Lunatic Petitions & Appeal Petitions.

Notice.—The days on which the Lords Justices shall be engaged at the Judicial Committee of the Privy Council are excepted.

*Before the Right Hon. the MASTER OF THE ROLLS, at Chancery-lane.*

Friday .....	Dec. 1	First Seal.—Motions.
Saturday .....	2	
Monday .....	4	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Tuesday .....	5	
Wednesday .....	6	
Thursday .....	7	Second Seal.—Motions.
Friday .....	8	
Saturday .....	9	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Monday .....	11	
Tuesday .....	12	
Wednesday .....	13	
Thursday .....	14	Third Seal.—Motions.
Friday .....	15	
Saturday .....	16	Pleas, Demurrers, Causes, Claims, Further Directions, and Exceptions.
Monday .....	18	
Tuesday .....	19	Fourth Seal.—Motions.
Wednesday .....	20	Petitions in General Paper.

N.B.—Short Causes, Consent Causes, Unopposed Petitions, and Short Claims on Saturday the 2nd, Saturday the 9th, and Saturday the 16th December, at the sitting of the Court.

Notice.—Consent Petitions must be presented, and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard.

*Before Vice-Chancellor Sir RICHARD T. KINDERSLEY, at Lincoln's Inn.*

Friday .....	Dec. 1	First Seal.—Motions and Causes.
Saturday .....	2	Short Causes, Short Claims, & Causes.
Monday .....	4	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	5	
Wednesday .....	6	
Thursday .....	7	Second Seal.—Motions and Causes.
Friday .....	8	Petitions in General Paper.
Saturday .....	9	Short Causes, Short Claims, & Causes.
Monday .....	11	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	12	
Wednesday .....	13	
Thursday .....	14	Third Seal.—Motions and Causes.
Friday .....	15	Petitions in General Paper.
Saturday .....	16	Short Causes, Short Claims, & Causes.
Monday .....	18	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	19	Fourth Seal.—Motions and Causes.
Wednesday .....	20	Petitions and Causes.

N.B.—Unopposed Petitions, not exceeding ten, at the sitting of the Court, every day except Seal-days.

*Before Vice-Chancellor Sir J. STUART, at Lincoln's Inn.*

Friday .....	Dec. 1	First Seal.—Motions and General Paper.
Saturday .....	2	Short Causes, Short Claims, & Causes.
Monday .....	4	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	5	
Wednesday .....	6	
Thursday .....	7	Second Seal.—Motions and General Paper.
Friday .....	8	Petitions and General Paper.
Saturday .....	9	Short Causes, Short Claims, & Causes.
Monday .....	11	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	12	
Wednesday .....	13	
Thursday .....	14	Third Seal.—Motions and General Paper.
Friday .....	15	Petitions and General Paper.
Saturday .....	16	Short Causes, Short Claims, & Causes.
Monday .....	18	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	19	Fourth Seal.—Motions and General Paper.
Wednesday .....	20	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.

*Before Vice-Chancellor Sir W. P. WOOD, at Lincoln's Inn.*

Friday .....	Dec. 1	First Seal.—Motions and General Paper.
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Saturday .....	2	Petitions, Short Causes and Claims, and General Paper.
Monday .....	4	
Tuesday .....	5	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday .....	6	
Thursday .....	7	Second Seal.—Motions and General Paper.
Friday .....	8	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday .....	9	Petitions, Short Causes and Claims, and General Paper.
Monday .....	11	
Tuesday .....	12	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Wednesday .....	13	
Thursday .....	14	Third Seal.—Motions and General Paper.
Friday .....	15	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Saturday .....	16	Petitions, Short Causes and Claims, and General Paper.
Monday .....	18	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.
Tuesday .....	19	Fourth Seal.—Motions and General Paper.
Wednesday .....	20	Pleas, Demurrers, Exceptions, Causes, Claims, and Further Directions.

**EQUITY CAUSE LISTS, AFTER MICHAELMAS TERM, 1854.**

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*Cl.* Claim—*C. Costa*—*D.* Demurrer—*E.* Exceptions—*F. D.* Further Directions—*M.* Motion—*P. C.* Pro Confesso—*Pl.* Pleas—*Ptn.* Petition—*R.* Rehearing—*S. O.* Stand Over—*SA.* Short.

**Court of Chancery.**

*Before the LORD CHANCELLOR.*

APPEALS.	
Attorney-Gen. v. Clapham (Part heard)	Fearnhead v. Bullivant
Lockhart v. Reilly	Goldsmith v. Russell
Reilly v. Lockhart	Underwood v. Wing, Dec. 11
Coepe v. Arnold	Attorney-Gen. v. Alford
Arnold v. Coepe	CAUSE.
	Neale v. Farrer.

*Before the LORDS JUSTICES.*

APPEALS.	
Evans v. Evans } (Part	Baker v. Read
Evans v. Saunders } heard)	Same v. Clement
Duncan v. Canman	Jortin v. South-eastern Rail- way Co.
Butterfield v. Rayner	Lake v. Bruton
Attorney-Gen. v. Mayor of Beverley (Part heard)	Same v. Same
	Same v. Hirtzell
	Smith v. Pawson.

*Before the Right Hon. the MASTER OF THE ROLLS.*

CAUSES, &c.	
Wilson v. Harley (Cause, part heard)	Evestaff v. Austin (M for decree)
Parker v. Bloxam (M for decree, with M)	Slater v. Arnold (M for dec.)
Kearley v. Kearley (Cl)	Miller v. Chapman (M for decree)
Bailey v. Hughes (Cause)	Curlewis v. Earl of Mornington (M for decree)
Green v. Dunn (M for decree)	Sturgis v. Dunn (Special case)
Baxendale v. Seale (M for dec.)	Hutt v. Lautour (M for decree)
Kebble v. Samms (3) (F D, C)	Pennell v. Smith (Cause)
Gray v. Haig } (E, 2 sets,	Edmonds v. Millett (M for decree)
Haig v. Gray } F D, C)	
Whitfield v. Bowyer } (F D,	Blackband v. Keen (Cause)
Whitfield v. Sturgis } C)	Att.-Gen. v. Holme (Cause)
Hele v. Bexley (7) (F D, C)	Hill v. Taine (Further cons.)
Ridgway v. Clare (E, Ptn)	Walmsley v. Cardwell (Cau.)
Greenslade v. Dare (Cause)	Parsons v. Beebe } (Cause)
Hardman v. Earle (Cause)	Same v. Same
Barham v. Boss (Cause)	Swinton v. Wilson (Cause)
Att.-Gen. v. Phillips (Cause)	Haslam v. Wilson (Cl)



Official Manager of the New-castle, Shields, &c. Banking Co. v. Moffett (Cause)  
 Fortnum v. Shackel (5) (F D, C)  
 Trutch v. Lamprell (M for decree)  
 Meyrick v. Lawes } (M for Same v. Mathias } decree)  
 Blunt v. De Mallets (Cause)  
 Hughes v. Williams (M for decree)  
 Trafford v. Barton (Cause)  
 Murphy v. Trench (Further consideration)  
 Yarginton v. Barker (M for decree)  
 Waugh v. Waddell (Cause)  
 Partridge v. Ives (M for dec.)  
 Williams v. Williams (Cl)  
 Lady Glamis v. Cumberland (Cause)  
 Symes v. Magnay (M for dec.)  
 Watson v. Cleaver (M for decree)  
 Warick v. Richards (Cause)  
 Wilkes v. Swann (Cl)  
 Wynne v. Ogilvie (M for dec.)  
 Phipps v. Kilson (Cl)  
 Pilkington v. Belton (M for decree)  
 Jebb v. Tugwell (M for decree)  
 Elam v. Stead (M for decree)  
 Brady v. Morgan (M for dec.)  
 Beere v. Beere (Cause)  
 Turnley v. Birou (M for dec.)  
 Maddock v. Akid (M for dec.)  
 Robinson v. Anderson (Cause)

*Before Vice-Chancellor Sir RICHARD T. KINDERSLEY.*

Adams v. Wheatley (D) CAUSES, &c.  
 Lord v. Colvin (Cause)  
 Way v. Way (Cause)  
 Abberley v. Sherwin (Cause)  
 Bush v. Peterson (Cause)  
 Stobart v. Todd (Cause)  
 Forrest v. Bowen (Cause)  
 Bennett v. Locking (M for decree)  
 Gossip v. Wright (Cause)  
 Crosse v. Robinson (Cl)  
 Darwell v. Roper (M for dec.)  
 Wallace v. Blackwell (Cause)  
 Augin v. Eastern Union Railway Co. (M for decree)  
 Att.-Gen. v. Vansittart (Cau.)  
 Fisher v. Baldwin (Cause)  
 Blake v. Gregson (Cause)  
 Coombs v. Mansfield } (Ca.)  
 Coombs v. Herniman }  
 Nixon v. Masterman (M for decree)  
 Luky v. Higgs (Cl)  
 Satchell v. Crosse (M for dec.)  
 Birley v. Owen (Cl)  
 Clements v. Pulman (Cause)  
 Yeates v. Roberts (M for dec.)  
 Colvin v. Lord (Cause)  
 Maybery v. Brooking (Rel.)  
 Upton v. Forster (Cause)  
 Walton v. Cracknell (M for decree)  
 Gough v. Lewis } (Cause)  
 Gough v. Lewis }  
 Summers v. Summers (Cl)  
 Other v. Iveson (M for decree)  
 Pollard v. Doyle } (Cause)  
 Kearns v. Doyle }  
 Houlding v. Cross (Sp. case)

Poole v. Poole (M for decree)  
 Penfold v. Crossland (Cl)  
 Shaw v. Neale (Cause)  
 Harford v. Lloyd (Cause)  
 Child v. Child (Cause)  
 Jefferies v. Michell (Cause)  
 Bell v. Whitbourn (M for dec.)  
 Austin v. Rickwood (Cl)  
 Hollingsworth v. Woodhead (Cause)  
 Pullen v. Fairthorne (M for decree)  
 Rogers v. Rogers (Cause)  
 Caledonian Railway Co. v. Woodrow (Cause)  
 Arkell v. Henly (Cause)  
 Henly v. Henly (Cause)  
 Capell v. Hyatt (M for decree)  
 Davies v. Hallett (M for dec.)  
 Bensley v. Riches (M for dec.)  
 Collinson v. Lister (Cause)  
 Brocklebank v. Johnson (M for decree)  
 Cookson v. Bingham } (Cau.)  
 Same v. Elliott }  
 M'Mullen v. Rea (M for dec.)  
 Nicholson v. Carr (M for dec.)  
 Attorney-Gen. v. Harman (M for decree)  
 Woodward v. Kerridge (Cl)  
 Andrew v. Simmons (Cause)  
 Att.-Gen. v. Moor (Cause)  
 Turner v. Ramsay (Cause)  
 Stubbing v. Hitchcock (Further consideration) SA  
 Nicholls v. Nicholls (Further consideration)  
 Jones v. Dickson (M for dec.)

Gurney v. Gurney (Cl)  
 Fawthrop v. Craven (Sp. case)  
 Thornber v. Wilson (Cause)  
 Twining v. Twining } (F D,  
 Twining v. Holmes } C)  
 Torkington v. Bryant (M for decree)  
 Creed v. Corner (M for dec.)  
 Tomson v. Judge (Cause)  
 Pennell v. Hume (Cause)  
 Newman v. Stone (Cl)  
 Moodie v. Bannister (Cause)  
 Campbell v. Lord Stafford (M for decree)  
 Rogers v. Hooper (Cause)  
 Henderson v. Cook (Cause)  
 Tennant v. Parker (Cause)  
 Williamson v. Wotton (Cl)  
 Wardle v. Marsden (M for decree)  
 Bean v. Dawson (M for dec.)  
 Rumball v. Poole } (F D, C)  
 Rumball v. Peachy }  
 Williams v. Hughes (Cause)  
 Greene v. Norton (4) (F D, C)  
 Hudson v. Whimpole (Further consideration)  
 Elder v. Maclean (3) (E, F D, C)  
 Barton v. Dixon (7) (F D, C)  
 Mott v. Jollye (Cause)  
 Kent v. Porter (Cause)  
 Greenwood v. Taylor (5) (E, F D, C)  
 Thompson v. Jeves (Cause)  
 Hitchman v. Stewart } (Fur.  
 Trail v. Stewart } cons.)  
 Evans v. Kinsey (Cause)  
 Bowles v. Field (Cause)  
 Garner v. Moore (Cause)

Boughen v. Farrer (Sp. case)  
 Ramsden v. Hirst (M for dec.)  
 Harley v. Moon (Further consideration)  
 Monro v. Proctor (F D, C)  
 Rogers v. Dicks (M for dec.)  
 Lacon v. Allen (Cause)  
 Wild v. Booker (Further consideration)  
 Berry v. Charnock (M for decree)  
 Dolman v. Curling (Cause)  
 Ashcroft v. Powell (3) (Cause)  
 Patch v. Graves (M for dec.)  
 Countess of Mornington v. Greenly (M for decree)  
 Stephenson v. Popple } (Caus.)  
 Same v. Same }  
 Welch v. Coles (F D, C)  
 Dickenson v. Leacock (Further consideration)  
 Mayne v. Mayne (Cause)  
 Dolman v. Nokes (Cause)  
 Smith v. Banbury (F D, C, Ptn)  
 Attorney-Gen. v. Drapers Co. (Cause)  
 Gibson v. Homes (Cause)

Sturch v. Bolton } (Cause)  
 Same v. Same }  
 Shelford v. Kane (Cause)  
 Dresser v. Hoare (M for dec.)  
 Wiles v. Gresham (Further consideration)  
 Morland v. Isaacs (Cause)  
 Banks v. Braithwaite (F D, C)  
 Lyle v. Le Breton (Cl) SA  
 Att.-Gen. v. Baines (D, C)  
 Barnes v. Carter (Cl)  
 London and South-western Railway Co. (Cause)  
 Aubert v. Aubert (Cause)  
 Taylor v. Portington (M for decree)  
 Pogson v. Burton (F D, C)  
 Smith v. Smith (Further consideration) SA  
 Powell v. Smith (Further consideration)  
 Saunders v. Richardson (Cau.)  
 Lawley v. King (M for decree)  
 Adlington v. Chippendale (Further consideration)  
 Lewarne v. Collins (Cause)  
 Wayne v. Lewis } (E).  
 Same v. Parke }

*Before Vice-Chancellor Sir J. STUART.*

PLEAS, DEMURRERS, CAUSES, &c.

Morison v. Morison (12) (E, F D, C, 2 Ptns)  
 Thompson v. Clarke (M for decree)  
 Butlin v. Groom (Cause)  
 Paul v. Cockeram (Cause)  
 Houghton v. Lees (Cause)  
 Goode v. Hollier (Cause)  
 Hichens v. Kelly (Cause)  
 Williams v. Hodgson (Cause)  
 Paxton v. Newton (Cl)  
 Cole v. Eaton (Further cons.)  
 Woodgate v. Archer Burton } (E, F D, C)  
 Woodgate v. Archer Burton }  
 Herring v. Miles (Cause)  
 Baker v. Hardley (3) (Further consideration)  
 Hart v. Stride (Further cons.)  
 Diplock v. Hammond (Further consideration)  
 Booth v. Marsden (Further consideration)  
 Broughton v. Broughton (6) (E, F D, C, Ptn)  
 Edwards v. Tate (3) (F D, C)  
 Gore v. Bowser (3) (E, F D, C)  
 Smyth v. Burd (Cl)  
 Munk v. Cole (F D, C)  
 Salter v. Adey (Cause)  
 Davey v. Harrison (2) (F D, C)  
 Johnson v. Bennett (F D, C)  
 Lomax v. Ripley (2) (Cause)  
 Lee v. Browne (F D, C)  
 Henbrough v. Atkinson (M for decree)  
 Bethell v. Stocks (Cause)  
 Wheatley v. Purser (Further consideration)  
 Wickenden v. Rayson (Further consideration)  
 Goff v. Walters (M for decree)  
 Lea v. Grundy } (Subsequent  
 Lea v. Cook } F D, C)  
 Brierly v. Furnival (M for decree)  
 Marquis of Londonderry v. Earl Vane (M for decree)

Collinge v. Knight (4) (E)  
 Singleton v. Bulmer (E, F D, C)  
 Rose v. Smith (Further cons.)  
 Wiggins v. Peppin (4) (F D, C)  
 Hughes v. Paramore (E)  
 Ince v. Ince (Cause)  
 Mander v. Cattell (Further consideration)  
 Ridler v. Yearaley (F D, C)  
 Cecil v. Nicholson (Further consideration)  
 Tickner v. Smith (Cause)  
 Clarke v. Whiteway (Further consideration)  
 Llewellyn v. Morgan (F D, C)  
 Cropper v. Mellersh (M for decree)  
 Engleheart v. Ordell (F D, C, Ptn)  
 Crosbie v. Bunnett (Cause)  
 Stanley v. Wrigley (Cause)  
 Ibberson v. Warth (Cause)  
 Howard v. Lloyd (M for dec.)  
 Vincent v. Grodson (F D, C)  
 Franklin v. Franklin (Cause)  
 Morison v. Willie } (Cause)  
 Ellice v. Ross }  
 French v. Slade (3) (F D, C)  
 Fowler v. Holt (F D, C)  
 Adison v. Hadley } (F D, C)  
 Clarkson v. Same }  
 Gay v. Tudor (Further cons.)  
 Casley v. Goodridge (Cl)  
 Gibson v. Fairlamb (Further consideration)  
 Perry v. Walker (E, F D, C)  
 Finch v. Carey (M for decree)  
 Laire v. Parkin (Cause)  
 Farnell v. Gibbs (M for dec.)  
 Thomson v. Virgoe (Cause) SA  
 Weston v. Tompson (Cause)  
 Hunt v. Hunt (Cl)  
 Stockin v. Lane (Cause)  
 Braysshaw v. Preston (Cause)  
 Symes v. Cust (Cause) SA  
 Roberts v. Vercoe (Cause)  
 Gage v. Gage (Further cons.)  
 Plambe v. Straford (M for decree).

*Before Vice-Chancellor Sir W. P. Wood.*

## CAUSES, &amp;c.

Mouzin v. Sharp (E to answ.)  
 Forsyth v. Ellice (F D, C)  
 Same v. Same } S O  
 Goodbody v. Ward } (Fur.  
 Challis v. Ward } cons.)  
 Challis v. Tame (Supp. Cl)  
 Spickernell v. Hotham (E, F  
 D, C)  
 Toubman v. Hall (Cause)  
 Crosley v. Harwood (6) (F D,  
 C)  
 Davidson v. Greaves (Cause)  
 Bassano v. Bassano (Sp. case)  
 Gilman v. Tucker (Sp. case)  
 Malden v. Maine (Cause)  
 Tee v. Ferris (Cause)  
 Capel v. Westminster Im-  
 provement Commissioners  
 (Cause)  
 Gregory v. Taylor (Cause)  
 Hawkins v. Batchelor (M for  
 decree)  
 Brett v. Lethbridge (Sp. case)  
 Hamson v. Olivo (M for dec.)  
 Graham v. Guthrie (Cause)  
 Gray v. Smith (2) (Cause)  
 Law v. London Indisputable  
 Life Policy Co. (M for dec.)  
 Band v. Randle (Cause)  
 Attenborough v. Attenborough  
 (Cl)  
 Sands v. Handley (Cl)  
 Mills v. Birch (M for decree)  
 Ramage v. Biddulph (Cause)  
 Baker v. Armitage (M for de-  
 cree)  
 Scott v. Boutley (M for decree)  
 Thompson v. Wedlake (Cause)  
 Alderson v. Dalton (Cause)  
 Eversfield v. Tisdell (M for  
 decree)  
 Lawrie v. Banks (M for dec.)  
 Watson v. Freeman (M for  
 decree)  
 Woodhouse v. Herrick (Spe-  
 cial case)  
 Wale v. Rackstraw (Cause)  
 Allport v. Stephens (Cause)  
 Cropper v. Babb (Cause)  
 Chappell v. Atkinson (M for  
 decree)  
 Bullock v. Bennett (Sp. case)  
 Horsfield v. Ashton (F D, C)  
 Att.-Gen. v. Queen Eliza-  
 beth's College (Cause)  
 Lee v. Head (Special case)  
 Desborough v. Harris (Cause)  
 Phipps v. Kelson (Cl)  
 James v. Harding (M for dec.)  
 SA  
 Goodlad v. Burnett (Further  
 consideration)  
 Powell v. South Wales Rail-  
 way Co. (E, F D, C)  
 Gibbons v. Gibbons (2) (F D,  
 C)  
 Re Irvine } (Fur. cons.  
 Irvine v. Irvine } from cham.)  
 Jones v. Jones (2) (Further  
 consideration)  
 Winch v. Winch (Further con-  
 sideration)  
 Wigan v. Rowland (Further  
 consideration)

Derrick v. Derrick (F D, C)  
 Powell v. Griffiths (2) (F D, C)  
 Hills v. Busby (Further cons.)  
 Thorp v. Thorp (Cause)  
 Hibbert v. Balchin (Further  
 consideration)  
 Lane v. Niblett (Further con-  
 sideration)  
 Hepburn v. Palmer (3) (Fur-  
 ther consideration)  
 Bewley v. Nickels (M for dec.)  
 Lawton v. King } (Cause)  
 Same v. Same }  
 Thorpe v. Thorpe (M for dec.)  
 Goodwin v. Lee (M for dec.)  
 Wright v. Kitchin (Cl)  
 Edwards v. Kennedy (M for  
 decree)  
 Lea v. Church (Cause)  
 Yeoman v. Chawcraft (Further  
 consideration)  
 Bell v. Adams (M for decree)  
 Remnant v. Smallpiece (Cl)  
 Earl of Lonsdale v. Countess  
 Berchtoldt (Further cons.)  
 Ogden v. Battams (Cause)  
 Daines v. Parkinson (Cl)  
 Kennett v. Tytherleigh (F D,  
 C)  
 Duke of Richmond v. Duncan  
 (M for decree)  
 Milnes v. Wildblood (M for  
 decree)  
 Henney v. Fenton (F D, C)  
 Hodgson v. Heads (M for dec.)  
 Robertson v. Newsham (M for  
 decree)  
 Att.-Gen. v. Mostyn (Cause)  
 Coombs v. Baker (Cause)  
 Carrington v. Beard (Further  
 consideration)  
 Turner v. Irlam (M for decree)  
 Beere v. Beere (M for decree)  
 Harvey v. Bulkeley } (Cause)  
 Same v. Sturgis }  
 Rufford v. Davies (Cause)  
 Hind v. Poole (Special case)  
 Cochrane v. St. Clair (Cause)  
 Kelley v. Parker (Cause)  
 Smith v. Cross (Cl)  
 Palacio v. M'Knight (M for  
 decree)  
 Webb v. Ledsam (M for dec.)  
 Preston v. Raynes (Cl)  
 Wood v. Grazebrook (M for  
 decree)  
 Taylor v. Wilkes (Cause)  
 Savage v. Wilkins (M for dec.)  
 Swallow v. Binns (Sp. case)  
 Stephens v. Hotham (Cause)  
 Jardine v. Jardine (M. for de-  
 cree)  
 Lecoy v. Mogford (Cause)  
 Bartlett v. Salmon (M for de-  
 cree)  
 Fowler v. Baydon (Further  
 consideration, M)  
 Bohun v. Smith (M for dec.)  
 Tyrrell v. Weld (M for dec.)  
 Goddard v. Haslam (M for  
 decree)  
 Milligan v. Earl of Hardwicke  
 (M for decree)  
 Gough v. Pritchard (Cl)  
 Hodson v. Cash (M for dec.)

## COUNTY COURTS REGISTRY.—REDUCTION OF FEES.

The Lords Commissioners of her Majesty's Treasury have been pleased to order that the following reduced fees should be taken for searches, &c., namely—

<i>Table of Fees.</i>	<i>s. d.</i>
For every search for a judgment or petition for protection made at the registry .....	0 6
For forty searches, to be made within two months, (to be paid in advance) .....	10 0
For every certificate of search, obtained either through the Clerk of the Court or by a letter to the Registrar .....	2 0
For having the record of any judgment removed from the register, (to be paid to the Clerk of the Court) .....	1 6

The registry of county courts judgments was established to afford to traders a ready means of ascertaining the solvency of parties, and to enable executors and administrators to discover what judgment debts they are bound to satisfy.

In the registry can be found the name, address, and occupation of every party against whom a judgment has been recorded since March, 1847, in any of the county courts throughout England and Wales, for 10l. and upwards, and which remains unsatisfied at the time the search is made.

## INSOLVENCY.

Also the name, last address, and occupation of every party who has applied for protection from his creditors to any of the county courts since June, 1854.

LOCAL AND PERSONAL ACTS,  
 DECLARED PUBLIC, AND TO BE JUDICIALLY NOTICED.  
 17 & 18 VICTORIA.—SESSION 2.

(Continued from p. 458).

## CAP. lxxvii.

An Act to consolidate and extend the Powers of the Accrington Gas and Waterworks Company, and to enable them the better to supply with Gas and Water the Townships and Places of Old Accrington, New Accrington, Church, Lower Booths, and Huncoat, in the Parish of Whalley, and the Extra-parochial Place of Henheads, all in the County of Lancaster, and to sell or lease their Undertaking to the Local Board of Health for the District of Accrington; and for other Purposes.

## CAP. lxxviii.

An Act to establish a General Cemetery for the Borough of Doncaster; and for other Purposes.

## CAP. lxxix.

An Act to extend the Powers of the Commissioners of Sewers for the Levels of Havering, Dagenham, and other Places, and to enable them to construct Sewers in the Parishes of West Ham, East Ham, and North Woolwich.

## CAP. xc.

An Act for the better supplying with Water the Parliamentary Burgh or Town of Hamilton, and Suburbs thereof.

## CAP. xci.

An Act to incorporate the Birmingham and Midland Institute, to define its Constitution, and to enable the Council of the Borough of Birmingham to grant a Site for the Institute Buildings.

## CAP. xcii.

An Act for improving the Harbour of Blyth, in the County of Northumberland, and for constructing Docks there; and for other Purposes.

## CAP. xciii.

An Act to enable the Crystal Palace Company to divert certain Roads, and to take and let Land on Lease; and for other Purposes.

## CAP. xciv.

An Act to incorporate the Surrey Consumers Gas-light and Coke Association, and to enable them to raise further Sums of Money; and for other Purposes.

## CAP. xc v.

An Act to repeal the Acts relating to the Turnpike Road from Gloucester, through Painswick, to Stroud, and to make other Provisions in lieu thereof.

## CAP. xcvi.

An Act to enable the Cork and Bandon Railway Company to make a Branch Railway to Skibbereen, and to raise further Capital for the Cork and Bandon Railway; and for other Purposes.

## CAP. xc vii.

An Act to amend an Act passed in the fourth Year of the Reign of his late Majesty King George the Fourth, intituled "An Act for more effectually repairing the Wadsley and Langset Turnpike Road, and extending the same in two Lines to join the Huddersfield and Woodhead Turnpike Road, in the Townships of Upperthong and Honley, in the West Riding of the County of York," and to continue the Term thereby granted, so far as the said Act and the Term thereby granted relate to the New Mill District of Road therein mentioned.

## CAP. xc viii.

An Act to alter the Site of the new Bridge authorised to be erected over the River Foyle, at Londonderry, and to make Approaches thereto.

## CAP. xcix.

An Act for providing Waterworks, Gasworks, and Public Baths and Washhouses for the Town and Borough of Beccles, in the County of Suffolk.

## CAP. c.

An Act to incorporate the Hull General Cemetery Company, and to enlarge and improve their Cemetery; and for other Purposes.

## CAP. ci.

An Act for the further Improvement of Kingston-upon-Hull; and for other Purposes.

## CAP. cii.

An Act for paving, lighting, watching, draining, supplying with Water, watering, cleansing, regulating, and otherwise improving the Town of Llandudno, in the County of Carnarvon, for making a Cemetery, and for establishing and regulating a Market and Market Places therein; and for other Purposes.

## CAP. ciii.

An Act for more effectually repairing several Roads adjoining or near to the Town of Bideford, and for making several Lines of Road connected with the same, all in the County of Devon.

## CAP. civ.

An Act for regulating the Police of the Royal Burgh of Lanark, and for paving, draining, cleansing, lighting, watching, and improving the same; for regulating the Markets thereof; and for other Purposes.

## CAP. cv.

An Act for more effectually repairing the Roads in the Counties of Worcester and Stafford, known as the Dudley, Hales-owen, and Bromsgrove District of Roads.

## CAP. cvi.

An Act to embank and reclaim from the Sea certain Waste Lands subject to be overflowed by the Tide, called Tacumshin Lake, in the County of Wexford.

## CAP. cvii.

An Act to authorise the making certain Roads and stopping up certain Lanes and Footways between Kensington Gore and Brompton, in the County of Middlesex, and for otherwise facilitating the Formation of a Site for Institutions connected with Science and the Arts.

## CAP. cviii.

An Act for enabling the Great Western Railway Company to provide additional Station Accommodation at Birmingham, Wolverhampton, and Bushbury; and for other Purposes.

## CAP. cix.

An Act to repeal an Act for enlarging the Term and Powers of an Act of his late Majesty George the Third, for repairing the Road from St. Martin Stamford Baron to Kettering, and from Oundle to Middleton-lane, in the County of Northampton, and to make other Provisions in lieu thereof.

## CAP. cx.

An Act for supplying with Water the Parishes of Bangor, Llandegai, and Llanllechid, and with Gas the Parish of Bangor.

## CAP. cx i.

An Act for the Improvement of the Town of Bethesda and Neighbourhood, in the County of Carnarvon.

## CAP. cxii.

An Act for enabling the Company of Proprietors of the Birmingham Canal Navigations to make new Canals and other Works; and for other Purposes.

## CAP. cxiii.

An Act for establishing Parks in or near to the Borough of Birmingham.

## CAP. cxiv.

An Act for constructing a Market House and other Buildings for Public Accommodation at Chesterfield, in the County of Derby, and for the better Regulation and Maintenance of the Market there.

## CAP. cxv.

An Act for making a Railway from the Stockton and Darlington Railway near Darlington to or near to Barnard Castle, both in the County of Durham, and for making Arrangements with the Stockton and Darlington Railway Company; and for other Purposes.

## CAP. cxvi.

An Act for making a Railway from the Dowlais Railway to the Vale of Neath Railway at Merthyr Tydfil, and for other Purposes, and of which the Short Title is, "The Dowlais Railway Act, 1854."

## CAP. cxvii.

An Act for vesting in the East Lancashire Railway Company, jointly with the Lancashire and Yorkshire Railway Company, certain Parts of the Manchester and Southport Railway and of the Lancashire and Yorkshire Railway; and for other Purposes.

## CAP. cxviii.

An Act to amend the Edinburgh Police Act, 1848, and to make further Provision for Sewerage, Drainage, and Improvement of the City of Edinburgh; for deepening and cleansing the Water of Leith; and for other Purposes.

## CAP. cxix.

An Act for making a Railway in Deviation and Extension of the Halesworth, Beccles, and Haddiscoe Railway from West-hall Low Common to Woodbridge, and certain Branches therefrom, and for changing the Name of the Company to "The East Suffolk Railway Company."

## CAP. cxx.

An Act to amend the Provisions of certain Acts relating to the Shrewsbury and Chester Railway Company; and for other Purposes.

## CAP. cxxi.

An Act to enable the South Sea Company to realise and divide their Capital Stock and Assets.

## CAP. cxxii.

An Act for enabling the South Devon Railway Company to improve their Sutton Harbour Branch, and for other Purposes, and of which the Short Title is, "The South Devon Railway (Sutton Harbour Branch) Act, 1854."

## CAP. cxxiii.

An Act to continue the Term and to amend and extend the Provisions of the Act relating to the Winchester and Petersfield Turnpike Road; and for other Purposes.

## CAP. cxxiv.

An Act to make further Provision for supplying with Water the Borough of Bradford, and certain Places in the Neighbourhood thereof.

## CAP. cxxv.

An Act for the Regulation of the Municipal Corporation of the Borough of Yeovil, in the County of Somerset, and for the Extension of the Boundaries of the said Borough, and for the Improvement of the said Borough.

## CAP. cxxvi.

An Act for the Conservancy and Improvement of Swansea Harbour, and for other Purposes, and of which the Short Title is, "The Swansea Harbour Act, 1854."

## CAP. cxxvii.

An Act for making a Railway from the Great Northern Railway at or near Welwyn, in the County of Hertford, to Hertford, in the same County, to be called "The Hertford and Welwyn Junction Railway;" and for other Purposes.

## CAP. cxxviii.

An Act for authorizing the Stockton and Darlington Railway Company to make new Works, and for other Purposes, and of which the Short Title is, "The Stockton and Darlington Railway Act, 1854."

## CAP. cxxix.

An Act for better supplying with Water the Borough of Bradford, in the County of York.

## CAP. cxxx.

An Act to authorise certain Improvements in or in connexion with the Lowestoft Harbour; and for other Purposes.

## CAP. cxxxi.

An Act for constructing a Bridge for Foot Passengers across the River Clyde, opposite to the North End of M'Neil-street, in the City of Glasgow.

## CAP. cxxxii.

An Act for making a Railway from the Great Southern and Western Railway near Mallow to Fermoy, to be called "The Mallow and Fermoy Railway;" and for other Purposes.

## CAP. cxxxiii.

An Act to alter the Line of the London, Tilbury, and South-end Extension Railway; to authorise the Lease thereof, and the Purchase of the Railway and certain Parts of the Works belonging to the Thames Haven Dock and Railway Company; and for other Purposes.

## CAP. cxxxiv.

An Act for Removal of Toll Fars beyond the Parliamentary Boundaries of the City of Edinburgh; and for other Purposes.

## CAP. cxxxv.

An Act to enable the Londonderry and Enniskillen Railway Company to make a Branch Railway to Fintona, and to extend their Line at Londonderry; and for other Purposes.

## CAP. cxxxvi.

An Act for making a Railway from the Irish South-eastern Railway at Bagenalstown to Wexford, to be called "The Bagenalstown and Wexford Railway."

## CAP. cxxxvii.

An Act for continuing the Term and amending and extending the Provisions of the Act relating to the Brighton, Cuckfield, and Lovell Heath, and Cuckfield and West Grinstead Turnpike Roads.

## CAP. cxxxviii.

An Act to authorise the Extension by the Ambergate, Nottingham, and Boston and Eastern Junction Railway Company of their Line of Railway into the Town of Nottingham; the Formation of a Station there; and for other Purposes.

## CAP. cxxxix.

An Act to give further Powers to the Law Life Assurance Society with respect to the Investment of the Funds of the Society.

## CAP. cxl.

An Act to authorise the Trustees of the Rochdale and Burnley Turnpike Roads to take Toll in respect of the Carriages of certain Stones.

## CAP. cxli.

An Act for enabling the North and South-western Junction Railway Company to raise additional Capital; and for other Purposes.

## CAP. cxlii.

An Act to amend the Tralee and Killarney Railway Act, 1853.

## CAP. cxliii.

An Act for making a Railway from Horncastle, in Lincolnshire, to the Kirkstead Station of the Great Northern Railway.

## CAP. cxliv.

An Act for making a Railway from the Shrewsbury and Hereford Railway at Leominster to Kington, in Herefordshire.

## CAP. cxlv.

An Act for more effectually repairing the Road from the Toll House Beck, in the Township of Ireby, in the County of Lancaster, to Kirkby Lonsdale and Kirkby Kendal, in the County of Westmoreland, and through Kirkby Lonsdale to Milnthorpe, in the said County.

## CAP. cxlvi.

An Act for making a Railway from the Ayr and Dalmellington Railway, near the Cothouses on the Farm of Pleasantfield, to the Town of Maybole, to be called "The Ayr and Maybole Junction Railway."

## CAP. cxlvii.

An Act for supplying the Township of Stourbridge and the Neighbourhood thereof with Water.

## CAP. cxlviii.

An Act for making a Railway from the Scottish Midland Junction Railway near Stanley to Birnam, near Dunkeld, in the County of Perth.

## CAP. cxlix.

An Act to authorise the Shrewsbury and Hereford Railway Company to provide Station Accommodation in Shrewsbury and Hereford, and to enter into Arrangements and Agreements with the Hereford, Ross, and Gloucester Railway Company.

## CAP. cl.

An Act for making a Railway from the Town of Llandovery, in the County of Carmarthen, to join the Llanelli Railway at Llandilofawr, in the same County; and for other Purposes.

## CAP. cli.

An Act to incorporate a Company for making a Railway from near the Picton Station on the Leeds Northern Railway to near the Groomont Station on the Whitby and Pickering Branch of the York and North Midland Railway; and for other Purposes.

## CAP. clii.

An Act to repeal the Act relating to the Thirsk and Yarm Turnpike Road, and to make other Provisions in lieu thereof, and to grant a further Term in the said Road; and for other Purposes.

## CAP. cliii.

An Act to enable the Eastern Counties Railway Company to enlarge and improve their Goods Station in the Parish of St. Matthew, Bethnal Green, in the County of Middlesex.

## CAP. cliiv.

An Act to enable the granting Building Leases of Parts of the Camden Town Cemetery, belonging to the Parish of St. Martin-in-the-Fields, not heretofore used for the Purpose of Interment; and for other Purposes.

## CAP. cliv.

An Act to enable the Caledonian Railway Company to make certain Branch Railways and other Works in the County of Lanark; and for other Purposes.

## CAP. clivi.

An Act for altering the Lines authorised by the Caledonian Railway (Leamabagow Branches) Act, 1851, and for otherwise amending that Act.

## CAP. clivii.

An Act to confer further Powers on the Dukinfield Gas Company.

## CAP. cliiii.

An Act for enabling the South Wales Railway Company to acquire additional Land at Swansea, and for enlarging the Powers of Lease or Sale to and Contribution by the Great Western Railway Company, and for authorising Arrangements between the South Wales Railway Company and the Vale of Neath Railway Company; and for other Purposes.

(To be continued).

### London Gazettes.

FRIDAY, NOVEMBER 24.

#### BANKRUPTS.

GEORGE STOKES, Hereford Lodge, Gloucester-road, Old Brompton, Middlesex, boarding-house keeper, dealer and chapman, Dec. 7 at half-past 2, and Jan. 12 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Goren, 29, South Molton-street, Oxford-street, London.—Petition filed Nov. 20.

WILLIAM HENRY WOODHOUSE, Woolwich, Kent, brewer, dealer and chapman, Dec. 7 at half-past 12, and Jan. 12 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Lawrence & Co., 14, Old Jewry-chambers, London.—Petition filed Nov. 22.

MAX ESSINGER, Old Change, London, straw hat manufacturer, dealer and chapman, Dec. 5 at 2, and Jan. 3 at half-past 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Ashurst & Co., 6, Old Jewry.—Petition filed Nov. 21.

EDMUND SHORT, Blandford Forum, Dorsetshire, horse dealer, dealer and chapman, Dec. 6 at 1, and Jan. 3 at 2, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Bishop & Son, 23, Southampton-buildings, Holborn.—Petition filed Nov. 21.

EDWARD KEMP, Beckford-row, Walworth-road, Surrey, linen-draper, dealer and chapman, Dec. 2 at half-past 1, and Jan. 13 at 2, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Kingsford & Dorovan, 23, Essex-street, Strand.—Petition dated Nov. 14.

MORRIS ELLIS PEMBERTON, Lime-street, London, merchant, (trading under the style or firm of M. E. Pemberton & Co., and lately carrying on such business there under the same style or firm in partnership with William George Sharp Mockford, now of Rood-lane, London, merchant), Nov. 27 and Jan. 9 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. J. & J. H. Linklater, 17, Sise-lane, City.—Petition filed Nov. 6.

WILLIAM GEORGE SHARP MOCKFORD, Rood-lane, London, merchant, dealer and chapman, (lately carrying on business with Morris Ellis Pemberton, a merchant, at Lime-street, London, under the style or firm of M. E. Pemberton & Co.), Nov. 27 and Jan. 9 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. J. & J. H. Linklater, 17, Sise-lane, City.—Petition filed Aug. 24.

JAMES HAMMOND, Chancery-lane, London, furniture dealer, Dec. 4 at 2, and Jan. 3 at half-past 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Day, 2, Paper-buildings, Temple.—Petition filed Nov. 20.

ISADORE BERNSTEIN, (sometimes called JOSEPH BERNSTEIN), formerly of Essex-street, Strand, Middlesex, outfitter; afterwards of California, America; more recently of Melbourne, Victoria, South Australia; and now of Liverpool, Lancashire, commission agent and merchant, Nov. 30 and Jan. 10 at half-past 11, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Messrs. Evans, Liverpool.—Petition filed Oct. 21.

JOHN CLOSE, Stortford, Essex, baker, Nov. 27 at half-past 12, and Jan. 6 at 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Moss, 86, Queen-street, Cheap-side.—Petition dated Nov. 15.

RICHARD LEWIS, Wootton-under-Edge, Gloucestershire, cloth manufacturer, dealer and chapman, Dec. 5 at half-past 12, and Jan. 11 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Winterbotham, Stroud, Gloucestershire; J. & J. H. Linklater, Sise-lane, London.—Petition filed Nov. 22.

ALFRED REYNOLDS, Birmingham, iron merchant, dealer and chapman, Dec. 8 at 12, and Jan. 5 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Hodgson, Birmingham.—Petition dated Nov. 20.

CHARLES BRADLEY, late of Gornal, near Dudley, Worcestershire, but now of Tipton and Great Barr, Staffordshire, iron dealer and commission agent, dealer and chapman, Dec. 8 at 12, and Jan. 5 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. E. & H. Wright, Birmingham.—Petition dated Nov. 13.

BENJAMIN SCRIVEN, Birmingham, builder and retail brewer, dealer and chapman, Dec. 6 and Jan. 3 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Stanbridge, Birmingham.—Petition dated Nov. 16.

THOMAS WRIGHT, Lawford, Tivydail, Llandeibie, Carmarthenshire, market gardener, dealer in poultry, wheat, and flour, oil and linseed cake, and guano, manufacturer of and dealer in bone-dust and other manure, dealer and chapman, Dec. 7 and Jan. 9 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Bevan, Bristol.—Petition filed Nov. 21.

JAMES BROWN, Mabgate, Leeds, Yorkshire, flax and tow spinner, dealer and chapman, Dec. 4 at 11, and Jan. 8 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. J. & H. Richardson & Gaunt, Leeds.—Petition dated Nov. 21.

FRANCIS AUGUSTUS HATTON, Chesterfield, Derbyshire, auctioneer, printer, and publisher, dealer and chapman, Dec. 9 and Jan. 20 at 12, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sol. Busby, Chesterfield.—Petition dated Nov. 23.

WILLIAM KEATING STOCK, Manchester, manufacturer of cotton goods, (trading under the style or firm of Kerr, Stock, & Co.), Dec. 7 and Jan. 5 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sols. Sale & Co., Manchester.—Petition dated Nov. 22.

THOMAS HAWORTH and FRANCIS ALSTON, Bury, Lancashire, cotton manufacturers, dealers and chapmen, Dec. 11 and Jan. 9 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sol. Crossland, Bury, Lancashire.—Petition filed Nov. 22.

**JOHN WHITMORE JONES and THOMAS CARRIER**, Wolverhampton, Staffordshire, hosiers and haberdashers, Dec. 6 and Jan. 3 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Bolton, Wolverhampton; Motteram & Knight, Birmingham.—Petition dated Nov. 22.

**ROGER** (and *not* **ROPER**, as advertised in last Tuesday's Gazette) **DUXBURY**, Over Darwen, Lancashire, inn-keeper, Dec. 6 and Jan. 10 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Frazer; Sol. Swift, Blackburn, Lancashire.—Petition filed Nov. 11.

#### METTINGS.

**Wm. Briant**, Oliver-terrace, Mile-end-road, Middlesex, coal merchant, Dec. 15 at 12, Court of Bankruptcy, London, ch. ass.—**Joseph Windle Cole**, Birch-lane, London, merchant, Dec. 6 at 12, Court of Bankruptcy, London, last ex.—**Thomas Deane**, Penny-street, Blackburn, Lancashire, draper, Dec. 8 at 12, District Court of Bankruptcy, Manchester, last ex.—**Jonathan Smart**, Saffron Walden, Essex, cabinet maker, Dec. 12 at 12, Court of Bankruptcy, London, aud. ac.—**C. Hickman**, High-road, Knightsbridge, Middlesex, licensed victualler, Dec. 12 at 12, Court of Bankruptcy, London, aud. ac.—**Wm. West**, London-terrace, Hackney-road, Middlesex, linendraper, Dec. 12 at 1, Court of Bankruptcy, London, aud. ac.—**Henry Chatteris**, Lothbury, London, merchant, Dec. 19 at 11, Court of Bankruptcy, London, aud. ac.—**W. Henry Holland and Richard Bradburn**, Manchester, commission agents, Dec. 18 at 12, District Court of Bankruptcy, Manchester, aud. ac. sep. ests.; Dec. 20 at 12, aud. ac. joint est. and div. sep. ests.—**Wm. Edmond and Robert M'Kim**, Bombay, East Indies, and **Thomas Edmond**, Liverpool, merchants, Dec. 8 at 12, District Court of Bankruptcy, Manchester, aud. ac., and Dec. 15 at 12, div., sep. est. of **Wm. Edmond**; Dec. 22 at 12, aud. ac., and Jan. 5 at 12, div., joint est.—**Brian Molyneux**, Liverpool, tavern keeper, Dec. 5 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—**Robert Syer Hoggar**, Wolverhampton, Staffordshire, builder, Dec. 15 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—**Edward Banks Green**, Bilston, Staffordshire, ironmonger, Dec. 14 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac.; Dec. 16 at 12, div.—**John Hewitt**, Leamington Priors, Warwickshire, brickmaker, Dec. 7 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac.—**G. Thomas Chenery**, Birmingham, paper-box manufacturer, Dec. 15 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—**John Meek**, Wolverhampton, Staffordshire, victualler, Dec. 6 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac.—**John Davidson**, Huddersfield, Yorkshire, wine merchant, Dec. 18 at 11, District Court of Bankruptcy, Leeds, aud. ac.; at half-past 11, div.—**John Jos. Stockdale**, Strand, Middlesex, bookseller, Dec. 15 at 2, Court of Bankruptcy, London, div.—**Richard Wallis Dare**, Lombard st., London, shoe factor, Dec. 19 at 1, Court of Bankruptcy, London, div.—**Charles John Powell**, Kingston, Surrey, draper, Dec. 19 at 12, Court of Bankruptcy, London, div.—**Josiah Westley**, Playhouse-yard, London, bookbinder, Dec. 19 at 12, Court of Bankruptcy, London, div.—**George Sewell Green**, Aylesbury-street, Clerkenwell, Middlesex; Mount-street, Lambeth, Surrey; Warwick-street, Pimlico, Middlesex; Minorities, London; and Elm-cottages, Hornsey, Middlesex, grocer, Dec. 19 at 1, Court of Bankruptcy, London, div.—**Anna Maria Edwards and T. Cooper**, Coventry, Warwickshire, ironmongers, Dec. 6 at 10, District Court of Bankruptcy, Birmingham, aud. ac. and div.—**John Fittes and Robert Fittes**, Newcastle-upon-Tyne, Northumberland, and Gateshead, Durham, tea dealers, Dec. 15 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—**Thomas Turner**, Mosbrough, Ekeington, Derbyshire, grocer, Dec. 16 at 12, District Court of Bankruptcy, Sheffield, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

**Henry Chatteris**, Lothbury, London, merchant, Dec. 19 at 11, Court of Bankruptcy, London.—**Stephen Cooper**, Lyndhurst-villas, Lyndhurst-road, Peckham, Surrey, carpenter, Dec. 15 at 12, Court of Bankruptcy, London.—**W. J. Reeve**, Banfort-buildings, Strand, Middlesex, coal merchant, Dec. 19 at half-past 1, Court of Bankruptcy, London.—**Wm. R. Nield and Wm. H. H. Collander**, Cannon-street West, London, shawl warehousemen, Dec. 15 at 11, Court of

Bankruptcy, London.—**Wm. Matthews**, Cottage-road, Harrow-road, Paddington, Middlesex, builder, Dec. 15 at 11, Court of Bankruptcy, London.—**John D. Humphreys**, New Wharf-road, Caledonian-road, Middlesex, engineer, Dec. 18 at 11, Court of Bankruptcy, London.—**John Joseph Whiting**, Cambridge, apothecary, Dec. 18 at half-past 1, Court of Bankruptcy, London.—**John Smart**, Great Tower-street, London, Dec. 15 at half-past 12, Court of Bankruptcy, London.—**S. Horton**, Portman-place, Edgeware-road, Middlesex, builder, Dec. 15 at 12, Court of Bankruptcy, London.—**James Corbett**, Stourbridge, Worcestershire, saddler, Dec. 18 at 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

**Alfred Knight**, Wood-street, Cheapside, London, worsted yarn manufacturer.—**Isaac Cooper**, Luddington, Northamptonshire, corddealer.—**Henry Bennett**, Christchurch, Hampshire, linendraper.—**Richard Hughes**, Gutter-lane, Cheapside, London, tavern keeper.—**Thomas Grogan**, Queen-st., Stepney, Middlesex, licensed victualler.—**C. Heyne**, St. Benet's-place, Gracechurch-street, London, broker.—**Wm. Graham**, Wigton, Cumberland, grocer.—**Wm. Geldart**, North Shields, Northumberland, shipowner.—**William Cowney**, Manchester, silk manufacturer.—**Wm. Brailsford**, Nottingham, smallware dealer.—**Thomas Lickley**, Thirsk, Yorkshire, corn merchant.

#### PARTNERSHIP DISSOLVED.

**Wm. S. Vardy and James F. Delmar**, Finsbury-square, Middlesex, attorneys, solicitors, and conveyancers.

#### SCOTCH SEQUESTRATIONS.

**James Norris**, Glasgow, hotel keeper.—**A. Bell & Co.**, Paisley, printers.—**James Hardie**, Leith, merchant.—**George Murray**, Glasgow, fletcher.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

**Wm. Cottle**, Bristol, cabinet maker, Nov. 30 at half-past 10, County Court of Gloucestershire, at Bristol.—**T. Schaffer**, Bristol, shoemaker, Dec. 14 at half-past 10, County Court of Gloucestershire, at Bristol.—**Elizabeth Rogers**, Moorsfields, St. George, Gloucestershire, licensed brewer, Jan. 18 at half-past 10, County Court of Gloucestershire, at Bristol.—**W. Gillard**, Bristol, brightsmith, Dec. 14 at half-past 10, County Court of Gloucestershire, at Bristol.—**George Rosser**, Bristol, confectioner, Dec. 21 at half-past 10, County Court of Gloucestershire, at Bristol.—**James Wiberley**, Calverton, Nottinghamshire, butcher, Dec. 12 at 10, County Court of Nottinghamshire, at Nottingham.—**Wm. F. Lockwood**, West Bridgford, Nottinghamshire, teacher of music, Dec. 12 at 10, County Court of Nottinghamshire, at Nottingham.—**Daniel Keeling**, Wilsalaw, Cheshire, farmer, Dec. 18 at 11, County Court of Cheshire, at Knutsford.—**Thomas Haynes**, Cornwall-road, Lambeth, Surrey, in no business, Dec. 8 at 10, County Court of Oxfordshire, at Oxford.—**William S. Roby**, Leamington Priors, Warwickshire, in no profession, Dec. 11 at 10, County Court of Warwickshire, at Warwick.—**J. King**, Iron Acton, Gloucestershire, shoemaker, Dec. 23 at 11, County Court of Gloucestershire, at Chipping Sodbury.—**Margaret Bridon**, Newcastle-upon-Tyne, greengrocer, Dec. 7 at 10, County Court of Northumberland, at Newcastle-upon-Tyne.—**John Anderson**, Great Grimsby, Lincolnshire, confectioner, Dec. 14 at 12, County Court of Lincolnshire, at Great Grimsby.—**R. Harris**, Leamington Priors, Warwickshire, cooper, Dec. 11 at 10, County Court of Warwickshire, at Warwick.—**Samuel Bates**, Leicester, tailor, Dec. 13 at 10, County Court of Leicestershire, at Leicester.—**Samuel Barker**, Leicester, out of business, Dec. 13 at 10, County Court of Leicestershire, at Leicester.—**John Platt**, Leicester, coal merchant, Dec. 13 at 10, County Court of Leicestershire, at Leicester.—**J. Corbett**, Harehatch, Wargrave, Berkshire, out of business, Dec. 14 at 10, County Court of Berkshire, at Reading.—**Thomas Holloway**, Reading, Berkshire, painter, Dec. 14 at 10, County Court of Berkshire, at Reading.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Jan. 31 at 10, before Mr. Commissioner MURPHY.*

**Francis Brewster**, Denmark-street, Camberwell, Surrey,

cab proprietor.—*H. Millard*, Rodney-street North, Thornhill-street, Pentonville, Middlesex, carpenter.—*Alfred Andrade*, Nursery-row, Brandon-street, Walworth, Surrey, butcher.—*M. J. Niemans*, Mount Vernon House, Hampstead, Middlesex, landscape painter.—*John Royal*, Clifford's-inn-passage, Fleet-street, coffee-house keeper.—*Edward Walker*, North-street, Cambridge-heath, Hackney, Middlesex, carpenter.—*Edwin West*, East Barnet, Hertfordshire, beerseller.—*Anne Whitfield*, widow, Marsh-street, Walthamstow, Essex, out of business.—*Charles Eglesfield*, Union-street, Somers-town, Middlesex, baker.—*W. Francis*, Keppel-street South, Whitehead's-grove, Chelsea, Middlesex, livery-stable keeper.

Feb. 1 at 11, before Mr. Commissioner PHILLIPS.

*Robert Downing*, Wilson-st., Gray's-inn-lane-road, Middlesex, coach painter.—*R. G. E. Lettis*, Weedington-street, Kentish-town, Middlesex, dealer in salt.—*David J. Sullivan*, Alfred-place, Newington-causeway, Surrey, builder.—*Thomas Fisher*, Stratford-green, West Ham, Essex, builder.—*John Thatcher*, Queen's-road, Homerton, Middlesex, temporary clerk in the Audit Office, Somerset House.—*Jean the Baptiste Arban*, Frith-street, Soho, Middlesex, professor of music.—*Geo. Thos. Mead*, South Ockendon, near Romford, Essex, shoemaker.—*James Sims the younger*, Clarges-st., Piccadilly, Middlesex, tailor.

The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—

Dec. 8 at 10, before the CHIEF COMMISSIONER.

*Wm. Henry Sherwood*, Upper Penton-street, Pentonville, Middlesex, doctor of medicine.—*William Hatten*, Portman-place, Edgeware-road, Middlesex, out of business.

Dec. 8 at 10, before Mr. Commissioner MURPHY.

*Andrew Isaac Berncastle*, Nelson-square, Blackfriars-road, Surrey, manufacturing furrier.—*Thomas Ward*, Park-street, Camden-town, Middlesex, general dealer.

Dec. 9 at 11, before Mr. Commissioner PHILLIPS.

*Wm. Hattersley*, St. George's-street, St. George's-in-the-East, Middlesex, druggist.—*John Charles Hardy*, Queen's-road West, Chelsea, Middlesex, jester.—*Louis Jean Baptiste Vandeau*, Albany-road, Barnsbury-park, Islington, Middlesex, artificial flower maker.—*John Passmore Edwards*, York-buildings, Adelphi, Strand, Middlesex, out of business.—*James Warren Perrott*, London-street, Paddington, Middlesex, saddler.

Dec. 11 at 10, before the CHIEF COMMISSIONER.

*Thomas Corfe*, Felix-place, Liverpool-road, Islington, Middlesex, cabinet maker.

Dec. 11 at 11, before Mr. Commissioner PHILLIPS.

*Thos. Luckes*, Brill-row, Somers-town, Middlesex, baker.—*William Atkins*, Little Stanmore, Edgeware, Middlesex, cattle dealer.

The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—

At the County Court of Lancashire, at LANCASTER, Dec. 8 at 11.

*Wolf Maurice*, Liverpool, out of business.—*Joseph Clegg*, Roebdale, out of business.—*Wm. Clegg*, Manchester, butcher.—*J. Coward*, Manchester, clog-iron maker.—*H. M. Milton*, Liverpool, manager of a beer-house.—*Hugh Shavercroft*, Liverpool, labourer.—*Edward Goring Corbet*, Liverpool, clerk in a broker's office.—*Thos. Walker the younger*, Woodside, near Liverpool, bookkeeper.—*Jas. Varley*, Clitheroe, stonemason.—*Richard Allerton*, Liverpool, wheelwright.—*William Longworth*, Manchester, out of business.—*John Briggs*, Levland, near Preston, out of business.—*Nathan Pearson*, Swinton, near Manchester, provision dealer.—*Gill Jackson*, Accrington, joiner.—*George Darnett Robinson*, Manchester, coach builder.—*Robert Bades*, Heaton Norris, out of business.—*George Woollen*, Manchester, out of business.—*Jas. Pendlebury*, Little Bolton, out of business.—*Samuel Barrett*, Great Bolton, out of business.—*Richard Carlisle*, Bolton-le-Moors, out of business.—*Richard Fowler*, Liverpool, railway guard.—*John Austin*, Blackburn, woollen flock dealer.—*John Harrison*, Hulme, Manchester, baker.—*Israel Swindells*, Chorlton-upon-Medlock, Manchester, manager at a chemical manu-

factory.—*John Robert Jense*, West Derby, near Liverpool, commission agent.—*John Burrows*, Bury, wholesale confectioner.—*Robert Hall*, Ashton-under-Lyne, railway porter.—*John Galloway*, Blackburn, carter.—*Richard Latus*, Preston, out of business.—*James Townsend*, Clayton-le-Moors, near Accrington, out of business.—*Charles Barker*, Salford, out of business.—*Jeremiah Sharp*, Tyldesley-banks, near Bolton-le-Moors, grocer.—*Ebenezer Jones*, Hulme, Manchester, cabinet maker.—*Jonathan Hobson*, Manchester, grocer.—*Thomas Gribbin*, Manchester, fish dealer.—*John Haworth*, Blackburn, butcher.

At the County Court of Hampshire, at WINCHESTER, Dec. 8.

*Felix Loney Wavell*, Portsea, builder.

At the County Court of Warwickshire, at WARWICK, Dec. 11.

*Henry Brown*, Birmingham, out of business.—*Thomas James*, Stratford-on-Avon, out of business.—*James Kane*, Birmingham, retail brewer.

At the County Court of Norfolk, at NORWICH, Dec. 11.

*James Lemmon*, Norwich, printer.

At the County Court of Berkshire, at READING, Dec. 14.

*Thomas Luke*, Sanning Hill, horse trainer.—*Thomas Rich*, Reading, luncheon.

## TUESDAY, NOVEMBER 28.

### BANKRUPTS.

**RICHARD WAISTELL**, Noble-street, London, warehouseman, (trading under the firm of Richard Waistell & Co.), Dec. 12 and Jan. 9 at 1, Court of Bankruptcy, London: Off. Ass. Stanfeld; Sols. Sole & Co., 68, Aldermanbury.—Petition filed Nov. 25.

**HENRY MARKINFIELD ADDEY**, Old Bond-street, Middlesex, bookseller and publisher, Dec. 12 at 1, and Jan. 12 at 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Kinsey, 20, Bloomsbury-square, London.—Petition filed Nov. 23.

**GEORGE DAY**, Providence-buildings, New Kent-road, Surrey, builder, dealer and chapman, Dec. 12 at 2, and Jan. 12 at 1, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Smith, 5, New-inn, Strand, London.—Petition filed Nov. 23.

**WILLIAM PEACOCK**, Budge-row, London, wholesale clothier, Dec. 12 at 2, and Jan. 12 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Messrs. Harrison, 5, Walbrook, London.—Petition filed Nov. 16.

**JAMES SCOTT**, Trinity-square, Tower-hill, Middlesex, ship chandler and provision merchant, Dec. 8 at 12, and Jan. 17 at 11, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Thompson & Son, 9, George-st., Minors.—Petition dated Nov. 24.

**JOHN TULLOCK FISHER**, Barking-road, Plaistow, Essex, auctioneer, dealer and chapman, Dec. 8 at half-past 1, and Jan. 17 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. W. & H. P. Sharp, 2, Verulam-buildings, Gray's-inn, Middlesex.—Petition dated Nov. 25.

**JAMES JOHNSON**, Wimbledon, Surrey, builder, Dec. 8 and Jan. 13 at half-past 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Moss, 86, Queen-street, Cheapside, London.—Petition dated Nov. 6.

**GEORGE PARRY the younger**, Willenhall, Staffordshire, ironmonger, Dec. 8 at 12, and Jan. 5 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Kitson, Wolverhampton; Motteram & Knight, Birmingham.—Petition dated Nov. 25.

**HENRY SAMUEL PARKER**, Birmingham, licensed victualler, Dec. 8 and Jan. 6 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Powell, Birmingham.—Petition dated Nov. 24.

**JOSEPH FEENY**, Birkenhead, Cheshire, late of Liverpool, Lancashire, eating-house keeper, dealer and chapman, Dec. 8 and Jan. 12 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Hodgson, Birmingham; Eddy, Liverpool.—Petition filed Nov. 20.

**ALEXANDER HILLYARD**, Liverpool, ale and porter merchant, Dec. 11 and Jan. 3 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sol. Yates, jun., Liverpool.—Petition filed Nov. 16.



**JOSEPH PARTRIDGE**, Wednesbury Oak, Tipton, Staffordshire, corn factor, dealer and chapman, Dec. 8 at 12, and Jan. 5 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Adam, Wolverhampton; Mottram & Knight, Birmingham.—Petition dated Nov. 20.

**JOHN FODEN**, Liverpool, grocer and tea dealer, Dec. 11 and Jan. 3 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sols. Evans & Son, Liverpool.—Petition filed Nov. 17.

**WRIGHT BENTLEY**, Oldham, Lancashire, ironfounder, dealer and chapman, Dec. 14 and Jan. 4 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sols. Ascroft, Oldham; Slater, Manchester.—Petition filed Nov. 23.

**JOHN ENTWISLE**, Carlisle, Cumberland, builder, Dec. 5 at 11, and Jan. 9 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Bendie & Son, Carlisle; Hoyle, Newcastle-upon-Tyne.—Petition filed Nov. 14.

#### MEETINGS.

*Alexander Bain*, Old Bond-street, Middlesex, electric clock maker, Dec. 8 at 1, Court of Bankruptcy, London, pr. d.—*Thos. Robinson*, Hexham, Northumberland, carrier, Dec. 20 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, pr. d.—*Lambert Tuttle*, Ince, near Wigan, Lancashire, cotton spinner, Dec. 8 at 12, District Court of Bankruptcy, Manchester, last ex.—*Wm. Shuttleworth*, Bradford, Yorkshire, stuff manufacturer, Dec. 11 at 11, District Court of Bankruptcy, Leeds, last ex.—*Wm. John Reeve*, Beaufort-buildings, Strand, Middlesex, coal merchant, Dec. 19 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Chas. Heyne*, St. Benet's-place, Gracechurch-st., London, broker, Dec. 12 at 11, Court of Bankruptcy, London, aud. ac.; Dec. 19 at 11, div.—*Guilio Buono*, Fenchurch-street, London, merchant, Dec. 12 at half-past 11, Court of Bankruptcy, London, aud. ac.; Dec. 19 at 11, div.—*George M. Millan*, Bennett-street, Blackfriars-road, Surrey, draper, Dec. 9 at half-past 1, Court of Bankruptcy, London, aud. ac.; Dec. 22 at 11, div.—*W. Featherd Ball*, Wood-st., Cheapside, London, and Holland-st., Blackfriars-road, Surrey, wholesale glover, Dec. 9 at 2, Court of Bankruptcy, London, aud. ac.; Dec. 22 at half-past 12, div.—*Robert Greenham*, Liverpool, merchant, Dec. 7 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Thomas Norbury* and *Richard Bindloss*, Manchester, silk manufacturers, Dec. 13 at 12, District Court of Bankruptcy, Manchester, aud. ac., and Dec. 20 at 12, div., sep. est. of *Thomas Norbury*.—*Nathaniel Denton*, Garton, Lancashire, hat manufacturer, Dec. 15 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Dec. 22 at 12, div.—*Sampson Langdale*, *John Eytton*, and *Masta Jocelin Cooke*, Newcastle-upon-Tyne, merchants, Dec. 20 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Samuel Siviter*, Brierley Hill, Staffordshire, ironfounder, Dec. 22 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; Dec. 23 at 12, div.—*William Osler*, Birmingham, baker, Dec. 23 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Henry Basil Bray*, Coventry, Warwickshire, grocer, Dec. 8 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; Dec. 22 at 12, div.—*James Alcock* and *Richard Bell*, Longton, Staffordshire, auctioneers, Dec. 22 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Edward Price*, Birmingham, livery-stable keeper, Dec. 8 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*James Osborne*, Kidderminster, Worcestershire, tailor, Dec. 8 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; Dec. 23 at 12, div.—*William Rollason* the younger, Birmingham, tinplate worker, Dec. 8 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; Dec. 22 at 12, div.—*John Greatwood*, Birmingham, confectioner, Dec. 8 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*John Harvey* and *Godfrey Gregory Pike*, Birmingham, grocers, Dec. 22 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; Jan. 5 at 12, div.—*John Fulwood*, Birmingham, brass candlestick manufacturer, Dec. 8 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Enoch Turner*, Birmingham, builder, Dec. 22 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*J. G. Retchford*, Stone, Staffordshire, shoe dealer, Dec. 8 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Chas. Waldron*, Bilston, Staffordshire, clothier, Dec. 22 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; Jan. 5 at 12, div.—

*Owen Gray*, Great Tower-street, London, builder, Dec. 20 at 2, Court of Bankruptcy, London, div.—*John Chancellor*, Phoenix-place, Dorrington-st., Clerkenwell, Middlesex, and Battersea, Surrey, funeral-carriage master, Dec. 19 at 12, Court of Bankruptcy, London, div.—*Eben. Heath*, Bridge-house-place, Newington-causeway, Surrey, leather seller, Dec. 19 at 1, Court of Bankruptcy, London, div.—*Martin Ward*, Mark-lane, London, corn merchant, Dec. 20 at 2, Court of Bankruptcy, London, div.—*Charles Clarke*, Norwich, maltster, Dec. 22 at half-past 11, Court of Bankruptcy, London, div.—*Louis Adolphe Hollander*, Winchester-street, London, and Clapham-rise, Surrey, diamond merchant, Dec. 22 at 11, Court of Bankruptcy, London, div.—*Thomas Parker*, Southport, Lancashire, hotel keeper, Dec. 19 at 11, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Thomas Youngman*, Pitfield-street, Hoxton, Middlesex, linendraper, Dec. 20 at 12, Court of Bankruptcy, London.—*John Clarke*, Belvedere-road, Lambeth, Surrey, butcher, Dec. 20 at 2, Court of Bankruptcy, London.—*W. H. B. Hawes*, Strand, Middlesex, chemist, Dec. 20 at half-past 12, Court of Bankruptcy, London.—*George Fox*, Crombie's-row, Commercial-road East, Middlesex, clothier, Dec. 22 at 12, Court of Bankruptcy, London.—*Richard Clark*, West Strand, Middlesex, lamp merchant, Dec. 22 at 12, Court of Bankruptcy, London.—*Wm. Phillips*, Minories, Middlesex, brushmaker, Dec. 21 at 11, Court of Bankruptcy, London.—*S. H. Ellis* the younger, Stock Exchange, London, dealer in stocks, Dec. 21 at 12, Court of Bankruptcy, London.—*Bodham Butler Wisker*, Castle-street, Holborn, London, tailor, Dec. 19 at 11, Court of Bankruptcy, London.—*Michael Solomon*, Lambeth-walk, Surrey, china dealer, Dec. 21 at half-past 12, Court of Bankruptcy, London.—*J. H. Mackey*, St. Helen's-place, London, merchant, Dec. 19 at half-past 11, Court of Bankruptcy, London.—*J. Willos*, Broadway, Westminster, cheesemonger, Dec. 19 at 11, Court of Bankruptcy, London.—*W. Palon*, Bread-st., London, warehouseman, Dec. 19 at half-past 12, Court of Bankruptcy, London.—*W. Adam*, Great Tower-st., London, merchant, Dec. 19 at 12, Court of Bankruptcy, London.—*John T. Jenkins*, Lewisham-road, Deptford, Kent, builder, Dec. 19 at half-past 1, Court of Bankruptcy, London.—*Henry Simmons*, Northumberland-place, Commercial-road; High-street, Shoreditch; and Hackney-road, Middlesex, shoemaker, Dec. 19 at 1, Court of Bankruptcy, London.—*Thos. Robinson*, Hexham, Northumberland, carrier, Dec. 20 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*M. A. Studden*, Launceston, Cornwall, gas manufacturer, Dec. 21 at 1, District Court of Bankruptcy, Exeter.—*Isaac Beek*, Birmingham, licensed victualler, Dec. 21 at half-past 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an appeal be duly entered.*

*Harold Stanley*, Gerrard-street, Soho, Middlesex, scrivener.—*A. Deale*, Leadenhall-street, London, patent ocean-boat manufacturer.—*H. Clagett*, Leadenhall-st., London, patent ocean-boat manufacturer.—*W. H. Unwin*, Belle-vue-terrace, Honour Oak, Forest-hill, Camberwell, Surrey, builder.—*W. J. Nosworthy*, Sidmouth, Devonshire, baker.—*John Fyooks*, Sherborne, Dorsetshire, brewer.—*G. J. Jenvey*, Barnstaple, Devonshire, bookseller.—*Geo. Hingston*, Lyme Regis, Dorsetshire, scrivener.—*T. Jewitt* and *E. Micklewood*, Plymouth, Devonshire, stationers.—*T. H. Myers* and *W. Myers*, Birkenhead, Cheshire, coal dealers.—*G. Sampson*, Lincoln, draper.—*Henry Basil Bray*, Coventry, Warwickshire, grocer.

#### PETITION ANNULLLED.

*Thomas Houghton*, Manchester, ironmonger.

#### SCOTCH SEQUESTRATIONS.

*Charles Major Herbert*, Glasgow, civil engineer.—*Thomas Biggar*, Paisley, manufacturer.—*Robt. White*, Glasgow, provision merchant.—*Geo. Monat*, Abbey Mills, Stirling, wool-spinner.—*Wm. Mackay*, Aberdeen, machine maker.—*Burton & Thomson*, Glasgow, merchants.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Isabella Oughterson*, Wigton, Cumberland, Dec. 15 at 10,

County Court of Cumberland, at Wigton.—*Wm. J. Angwin*, Launceston, Cornwall, blacksmith, Jan. 10 at 11, County Court of Cornwall, at Launceston.—*James Allen*, Bewdley, Worcestershire, out of business, Dec. 20 at 10, County Court of Worcestershire, at Kidderminster.—*Benjamin Simpson*, Scarborough, Yorkshire, travelling draper, Dec. 13 at 11, County Court of Yorkshire, at Scarborough.—*John S. Rowlands*, Carnarvon, tinman, Dec. 20 at 11, County Court of Carnarvonshire, at Carnarvon.—*Roderick Evans*, Carnarvon, baker, Dec. 20 at 11, County Court of Carnarvonshire, at Carnarvon.—*George Robertson*, Horton, Bradford, Yorkshire, finisher, Dec. 12 at 11, County Court of Yorkshire, at Bradford.—*Richard Nelson Gooden*, Nuneaton, Warwickshire, surgeon, Dec. 12 at 12, County Court of Warwickshire, at Nuneaton.—*Thomas Dick*, Manchester, general agent, Dec. 11 at 12, County Court of Lancashire, at Manchester.—*G. Waters*, Levenshulme, Lancashire, writing clerk, Dec. 11 at 12, County Court of Lancashire, at Manchester.—*J. Baxter*, Salford, Lancashire, baker, Dec. 19 at 11, County Court of Lancashire, at Salford.—*James Woolett*, Haverfordwest, butler, Dec. 12 at 10, County Court of Pembrokeshire, at Haverfordwest.—*John Bickerton*, Kingston-upon-Hull, potato dealer, Dec. 8 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*J. Ferguson*, Kingston-upon-Hull, chimney sweeper, Dec. 8 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*Walker Field*, Newland, Yorkshire, licensed victualler, Dec. 8 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*Jonah Bowen Evans*, Bwlch-gwyn, Radnorshire, clerk, Dec. 11 at 11, County Court of Radnorshire, at Rhayader.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Dec. 13 at 10, before the CHIEF COMMISSIONER.*

*Wm. R. Curtis*, Pickering-terrace, Paddington, Middlesex, tailor.—*Elizabeth Noakes*, Sloane-street, Chelsea, Middlesex, milliner.—*H. Hawker*, William-street, James-street, Westminster, milkman.—*E. Ward*, New-town, Deptford, Kent, beer-shop keeper.—*W. King*, High-street, Hoxton Old-town, Shoreditch, Middlesex, tobacconist.—*John Furness*, Grove-street, Camden-town, Middlesex, mathematical drawing instrument maker.

*Saturday, Nov. 25.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Wm. Elliott*, East-cross, Tenterden, Kent, plumber, No. 75,824 C.; *John Bayley* and *George Miller*, assignees.—*James Troup*, Portsea-place, Connaught-square, Middlesex, gentleman, No. 64,032 T.; *F. Roe* and *J. Brighton*, assignees.

*Saturday, Nov. 25.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Robert G. Carpenter*, Church-street, Old Kent-road, Surrey, out of business: in the Debtors Prison for London and Middlesex.—*Wm. H. Rodbard*, New Castle-place, Edgeware-road, Middlesex, clerk to the Great Western Railway Company: in the Debtors Prison for London and Middlesex.—*Maurice Steinau*, Upper Stamford-street, Blackfriars-road, Surrey, general agent: in the Queen's Prison.—*Ferdinand Maillepre*, Princes-street, Rotherhithe, Surrey, out of business: in the Gaol of Surrey.—*James Wm. Beecher*, Bricklane, Spitalfields, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—*Edmund Maude*, Augustus-square, Park-village East, Regent's-park, Middlesex, wine merchant: in the Debtors Prison for London and Middlesex.—*Mary Jane Thompson*, Stanley-street, Pimlico, Middlesex, teacher of music: in the Debtors Prison for London and Middlesex.—*Henry Woolcott*, High Holborn, Middlesex, tassel manufacturer: in the Debtors Prison for London and Middlesex.—*A. Raymond*, Stratford, Essex, out of business: in the Queen's Prison.—*James D. Bates*, Cannon-street-road, St. George's-in-the-East, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*William Groombridge*, White-

fiars-street, Fleet-street, London, livery-stable keeper: in the Debtors Prison for London and Middlesex.—*George Guyer*, Upper Carlisle-street, Maida-hill, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*Joseph Kent*, Duncan-terrace, Islington, Middlesex, commission agent: in the Debtors Prison for London and Middlesex.—*Charles W. Manby*, Castle-street, Holborn, London, music seller: in the Debtors Prison for London and Middlesex.—*Jacob Moncur*, Holly-street, Dalston, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*James Cross*, Ironmonger-street, St. Luke's, Middlesex, shoemaker: in the Debtors Prison for London and Middlesex.—*Charles Dinsent*, Queen's-terrace, St. John's-wood, Middlesex, cheesemonger: in the Debtors Prison for London and Middlesex.—*J. Freeman*, London-st., Tottenham-court-road, Middlesex, cowkeeper: in the Debtors Prison for London and Middlesex.—*Felix Loney Wavell*, Portsea, Southampton, builder: in the Gaol of Winchester.—*Ebenezer Jones*, Hulme, Manchester, joiner: in the Gaol of Lancaster.—*John Harrison*, Hulme, Manchester, baker: in the Gaol of Lancaster.—*James Townsend*, Oakenshaw, Clayton-le-Moors, Lancashire, out of business: in the Gaol of Lancaster.—*Jonathan Hobson*, Manchester, grocer: in the Gaol of Lancaster.—*Richard Latus*, Preston, Lancashire, beerseller: in the Gaol of Lancaster.—*I. Swindells*, Chorlton-upon-Medlock, Lancashire, manager of a chemical manufactory: in the Gaol of Lancaster.—*Thomas Webb*, Fenton, Staffordshire, grocer: in the Gaol of Lancaster.—*Charles Barker*, Salford, Lancashire, out of business: in the Gaol of Lancaster.—*Jeremiah Sharp*, Tyldesley-banks, Lancashire, grocer: in the Gaol of Lancaster.—*Charles Palmer*, Liverpool, out of business: in the Gaol of Lancaster.—*Robert Hall*, Ashton-under-Lyne, Lancashire, railway porter: in the Gaol of Lancaster.—*John Galloway*, Blackburn, Lancashire, carter: in the Gaol of Lancaster.—*John Haworth*, Blackburn, Lancashire, butcher: in the Gaol of Lancaster.—*Thomas Gribbin*, Manchester, fish dealer: in the Gaol of Lancaster.—*Wm. Walker*, Sheffield, Yorkshire, innkeeper: in the Gaol of York.—*William Morley*, Reading, Berkshire, shoemaker: in the Gaol of Reading.—*James Lemmon*, Norwich, printer: in the Gaol of Norwich.—*Frederick Billington*, Hulme, Manchester, out of business: in the Gaol of Lancaster.—*James Graham*, Liverpool, brass founder: in the Gaol of Lancaster.—*Wm. Longworth*, Manchester, out of business: in the Gaol of Lancaster.—*W. Hickling* the elder, Postland, Lincolnshire, in no business: in the Gaol of Lincoln.—*Jeremiah Allatt*, Heckmondike, near Leeds, Yorkshire, slubber: in the Gaol of York.—*Wm. Dean*, Manchester, out of business: in the Gaol of Lancaster.—*G. Spencer*, Keighley, Yorkshire, out of business: in the Gaol of York.—*Jonathan T. Crosby*, Pontefract, Yorkshire, shoemaker: in the Gaol of York.—*Thomas Cooper*, Leeds, Yorkshire, out of business: in the Gaol of York.—*Thomas Sanderson*, Leeds, Yorkshire, dealer in woollen cloths: in the Gaol of York.—*John Smith*, Kirkgate, Leeds, Yorkshire, dealer in fruit: in the Gaol of York.—*Samuel Barker*, Bradford, Yorkshire, out of business: in the Gaol of York.—*Lott Henry Belts*, Ipswich, Suffolk, shoeing smith: in the Gaol of Ipswich.—*Edward T. Pellowe*, Dover, Kent, out of business: in the Gaol of Dover.—*Wm. Henry Lander*, Acre, Gloucestershire, out of business: in the Gaol of Gloucester.—*Samuel Pearson*, Morley, near Leeds, Yorkshire, woollen cloth manufacturer: in the Gaol of York.—*John Linley*, Leeds, Yorkshire, out of business: in the Gaol of York.—*Wm. Marshall*, Halifax, Yorkshire, mechanic: in the Gaol of York.—*Joseph Laister*, Sheffield, Yorkshire, out of business: in the Gaol of York.—*Wm. King*, Cambridge, blacksmith: in the Gaol of Cambridge.—*William Walsley*, Bradford, Yorkshire, out of business: in the Gaol of York.—*Edwin Lodge*, Stirling, near Huddersfield, Yorkshire, out of business: in the Gaol of York.—*Wm. Shackleton*, Keighley, Yorkshire, out of business: in the Gaol of York.—*Samuel Eastwood*, Leeds, Yorkshire, brushmaker: in the Gaol of York.—*Francis Pocock*, Hungerford, Berkshire, ropemaker: in the Gaol of Reading.—*Wm. Dawkes*, Hungerford, Berkshire, fishmonger: in the Gaol of Reading.—*Thomas Hodges*, Eardisland, Herefordshire, shoemaker: in the Gaol of Hereford.—*Paul Greenwood*, Castle Clough, near Todmorden, Yorkshire, out of business: in the Gaol of York.—*Thomas Ibbison*, Leeds, Yorkshire, greengrocer: in the Gaol of York.—*James Allen*, Sheffield, Yorkshire, out of business: in the Gaol of York.—*George Cox*, Manchester, commercial traveller: in the Gaol of Lancaster.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Dec. 12 at 10, before the CHIEF COMMISSIONER.*

*Henry Perry, Queen's Head-lane, Islington, Middlesex, ale conner to the Corporation of London.*

*Dec. 12 at 10, before Mr. Commissioner MURPHY.*

*Francis Bowring, High-street, Croydon, Surrey, shoemaker. —John H. Taylor, Bermondsey-street, Surrey, foreman to a cap manufacturer. —John Pratt Carpenter, Drummond-street, Boston-square, Middlesex, baker.*

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Kent, at DOVER, Dec. 12 at 11. Edward T. Pellows, Dover, out of business.*

*At the County Court of Devonshire, at EXETER, Dec. 12.*

*Wm. Gist, Devonport, out of business. —John Charlton, St. Thomas-the-Apostle, bleacher.*

*At the County Court of Warwickshire, at COVENTRY, Dec. 13 at 12.*

*Henry Rodfern, Birmingham, carpenter.*

*At the County Court of Worcestershire, at WORCESTER, Dec. 13 at 9.*

*John Benbow the younger, Grimley, butcher. —H. Bowers, Dudley, out of business.*

*At the County Court of Staffordshire, at STAFFORD, Dec. 13 at 11.*

*John Wilkinson, Walsall, buckle maker. —Norman Bond Yonge, Armitage, near Rugeley, gentleman.*

*At the County Court of Berkshire, at READING, Dec. 14.*

*Wm. Morley, Reading, shoemaker.*

*At the County Court of Gloucestershire, at GLOUCESTER, Dec. 14 at 10.*

*Samuel Monk, Stapleton, near Bristol, quarryman. —Joseph Lince, Warmley, Siston, near Bristol, coal miner.*

*At the County Court of Gloucestershire, at BRISTOL, Dec. 14 at half-past 10.*

*Joseph Stephens, Bath, licensed victualler.*

*At the County Court of Monmouthshire, at MONMOUTH, Dec. 15.*

*Wm. Jones, Blana Iron Works, mason.*

*At the County Court of Suffolk, at IPSWICH, Dec. 15 at 9.*

*Josiah Marriott, Ipswich, out of business. —Lott H. Betts, Ipswich, shoeing smith.*

#### INSOLVENT DEBTORS' DIVIDENDS.

*John Green, Castleton, near Rochdale, Lancashire, shop-keeper: 1s. 6d. in the pound. —Robert Ash, Torquay, Devonshire, carpenter: 6½d. in the pound. —Matthew Fisher, Market Rasen, Lincolnshire, carpenter: 5s. in the pound. —John Field, Edgerton, near Huddersfield, Yorkshire, joiner: 9d. in the pound. —George H. Laporte, Paddington-green, Paddington, Middlesex, artist: 2s. 6d. in the pound. —Francis Perry, Arundel-street, Pantons-square, Middlesex, lieutenant 86th Regiment of Foot: 2s. 6½d. (making 10s. 10½d.) in the pound.*

*Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn-fields, London, between the hours of 11 and 3.*

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed the following Gentlemen to be Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women:—Thomas Rushton, Uttoxeter, Staffordshire, in and for the county of Stafford; William Welsby, of Ormskirk, Lancashire, in and for the county of Lancaster.

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THERE are some decisions in our law-books which for practical purposes have been assumed to be correct, and have been adopted as authorities during a long period, simply because they are in the law-books, and there has been no opportunity of putting them to the question before a higher tribunal. They may be repugnant to a sort of legal instinct within us; we may feel them to be in some way wrong; but they are cited, acquiesced in, and followed; at length it becomes necessary to investigate the foundation on which they rest, and it is discovered to be so rotten, that the wonder is, how the superstructure was ever supported. To this class of cases belongs that of *Godsall v. Boldero*, (9 East, 72), decided in 1807, by judges of repute, (Lord Ellenborough, C. J., Grose, Lawrence, and Le Blanc, J.J.), recognised by subsequent judges of equal, if not superior, ability, and enshrined in 2 Smith's L. C. 157, with comments of approval rather than of objection; it has at length been its fate to be attacked, for the first time, in a court of error, and to be overruled by the deliberate and unanimous judgment of that Court. (*Dalby v. The India and London Life*)

VOL. XVIII.

V V

*Assurance Company*, Exch. Cham., Dec. 2, reported in our present number).

One reason why it has had so long an existence doubtless is, that few assurance offices ever acted upon it, as they found it more consistent with their interests to disregard it altogether.

The case of *Godsall v. Boldero* is, doubtless, familiar to our readers, but we may be allowed to recall its main features.

William Pitt, whose life had been insured by one of his creditors, died insolvent, and his executors, the Earl of Chatham and the Bishop of Lincoln, afterwards paid the creditor out of the money granted by Parliament. The assurance office was held to be thereby discharged from all liability to pay the sum insured, upon the ground that such an assurance is substantially a contract of indemnity against the loss of the debt; and as that had been paid, there was no damnification, and therefore no right of action. Dampier, in his argument for the plaintiff, forcibly urged, that in the case of a life assurance the premium is not calculated upon the risk of the insolvency of the person whose life is insured, but solely on the probability of the duration of the life; and that if the defendant's objection was well founded, every case of this sort would be resolved into an examination of the assets, of which the insurers would avail themselves pro tanto, after having had the benefit of the whole premium; and this, too, at any distance of time, when assets might be forthcoming, after the payment of the loss. Marryatt, for the defendant, compared the case to a valued sea policy. "The only question," he said, "is, whether in the event the plaintiff has been damnified, and can call upon the insurers for any indemnification. To pursue the metaphor: the ship insured has been wrecked; but

there has been a salvage, which the underwriters were entitled to, and out of which the insured has been indemnified." This view was adopted by the Court, the only authority cited by it in support of its judgment being the language of Lord Mansfield in *Hamilton v. Mendes*, (2 Burr. 1210), which was the case of a marine assurance. But here was the fallacy which pervaded the whole case. The Court proceeded on a mistaken analogy, perhaps led somewhat astray by the language of the counsel, shewing how the good ship William Pitt had been wrecked, but the salvage had covered the loss, so far as the insured was concerned.

Life assurance, as was said in the late case in the Exchequer Chamber, is a contract to pay a certain sum of money upon the death of a person, in consideration of his paying a certain annuity during his own life or that of the *cestui que vie*, and does not in any manner resemble a contract of indemnity. It is not, strictly speaking, an assurance of life itself, or of debts in respect of which it may have been effected; it renders neither life nor debts more sperate than they were before. The premium is calculated upon the amount insured at the time of assurance, and does not vary with any fluctuations in the interest of the insured. The event is certain, the time of its happening the only uncertainty. Fire and marine policies, however, are very different; they are stipulations to pay a sum only in the event of a *loss*, and the chances that no loss at all, or only a partial loss, may occur, are taken into consideration in calculating the amount of the premium.

Among those who have expressed strong opinions against the decision in *Godsall v. Boldero* we must not omit to mention Professor de Morgan, who, in his "Essay on Probabilities, and their Application to Life Contingencies and Assurance Offices\*," says—

"The word 'insurance' or 'assurance' has given rise to some wrong notions, and it will be worth while to examine the nature of the contract.

"A. & Co. engage with B., that in consideration of 1*l.* a year paid by him during his life, they will pay 20*l.* to his representatives as soon as he shall be dead. Both parties run a risk: A. & Co. that of having to pay B. more than they receive; B. that of paying more than will at his death produce 20*l.* But the risk of the office is of immediate loss, and that of B. of deferred loss; that of the former is also continually lessening, and that of the latter increasing, until, should B. live long enough, both risks become certainties. If the assurance be only for a term of years, B. runs the risk of losing his premiums altogether.

"The office does not inquire what reason B. may have for insuring his own life or that of another person, nor do any possible contingencies, except those of life, affect the office calculations. We cannot, therefore, be too much surprised at the ignorance shewn by that judge who declared that life assurance was of its own nature a contract of indemnity; that is to say, if by any lucky chance B. can be proved to have accomplished the object for which he insured by other means he has no claim upon the office.

"In order to shew that such was not the case, we must suppose that an exactly similar transaction had taken place before any assurance office existed. How this could have been may not be apparent, if we take the notion which the law formerly entertained of such an office, namely, that it is a species of gambling house\*; but if we prefer to consider it as a savings bank, with an equalisation system, which is unquestionably the correct notion, we may return to the circumstances which the case would have presented had there been no assurance. C., a person whose credit has become doubtful, is indebted to B. to an amount which B. could not afford to lose; consequently B., knowing that his chance of payment is precarious, resolves to diminish his expenses, hoping by economy to restore to his family the sum which he may have lost by his engagements with C. He collects accordingly a small fund, which he places with his banker, avowing the purpose of its collection. In the meantime C. dies, and some friends pay off his debts, and that due to B. among the rest. The latter, having now no further occasion for such economy, draws upon his banker for the amount, and is answered, that since the purpose of the saving was fulfilled by the payment of C.'s debt, he, B., has no further claim upon his own money.

"The contract of assurance, be it gambling or be it not, rests entirely upon the permission given by the law to consider a high chance of a small sum as good consideration for a low chance of a large sum.

"The law, then, allows risks, and permits unequal chances to be compensated by giving odds; the Courts declare, that after the cast shall have been made, and one of the parties shall have stood *his* risk, which turns out in his favour, the other party shall receive an *ex post facto* release from the conditions of his bargain, because circumstances afterwards arise which, had they existed at the time of making the bargain, would have made it illegal. The several principles on which the decision was founded, well carried out, as they say in Parliament, would require that the previous contracts of a man who becomes insane should be null and void; that the meat which a man buys for his dinner should be returnable to the butcher, under the cost, if a friend should invite him in the meantime; and in the case before us, supposing that C. should have outlived the term, and his debt paid, as before, then B. might have brought his action against the office for the return of the premiums, alleging that, as it turned out, the office would have been indemnified, and therefore should be considered as having run no risk."

The learned professor will, we trust, be gratified to learn that the Court of Exchequer Chamber have arrived at similar conclusions with himself upon the merits of *Godsall v. Boldero*. Their decision amounts to this—life assurance is not a contract of indemnity; and a party insuring the life of another may recover to the extent of the interest which he had at the time of effecting the policy, although such interest may afterwards have been diminished, or have altogether ceased.

\* Cabinet Cyclopædia, (Longman & Co., 1838), pp. 244—248.

\* Quære? At common law wagering assurances, and all wagers not contrary to public policy, were lawful. The stat. 14 Geo. 3, c. 48, for the first time required an interest at the time of insuring the life of another.



## PUBLIC EXAMINATION.—HILARY TERM, 1855.

THE Council of Legal Education have approved of the following rules for the public examination of the students.

The attention of the students is requested to the following rules of the Inns of Court:—

“As an inducement to students to propose themselves for examination, studentships shall be founded of fifty guineas per annum each, to continue for a period of three years, and one such studentship shall be conferred on the most distinguished student at each public examination; and further, the examiners shall select and certify the names of three other students who shall have passed the next best examinations, and the Inns of Court to which such students belong may, if desired, dispense with any terms, not exceeding two, that may remain to be kept by such students previously to their being called to the Bar. Provided that the examiners shall not be obliged to confer or grant any studentship or certificate unless they shall be of opinion that the examination of the students they select has been such as entitles them thereto.”

“At every call to the Bar those students who have passed a public examination, and either obtained a studentship or a certificate of honour, shall take rank in seniority over all other students who shall be called on the same day.”

“No student shall be eligible to be called to the Bar who shall not either have attended during one whole year the lectures of two of the Readers, or have satisfactorily passed a public examination.”

**RULES FOR THE PUBLIC EXAMINATION OF CANDIDATES FOR HONOURS, OR CERTIFICATES ENTITLING STUDENTS TO BE CALLED TO THE BAR.**

An examination will be held in next Hilary Term, to which a student of any of the Inns of Court, who is desirous of becoming a candidate for a studentship or honours, or of obtaining a certificate of fitness for being called to the Bar, will be admissible.

Each student proposing to submit himself for examination will be required to enter his name at the treasurer's office of the Inn of Court to which he belongs on or before Monday, the 1st day of January next; and he will further be required to state in writing whether his object in offering himself for examination is to compete for a studentship or other honourable distinction, or whether he is merely desirous of obtaining a certificate preliminary to a call to the Bar.

The examination will commence on Monday, the 8th day of January next, and will be continued on the Tuesday and Wednesday following.

It will take place in the Benchers' Reading-room of Lincoln's-inn; and the doors will be closed ten minutes after the time appointed for the commencement of the examination.

The examination by printed questions will be conducted in the following order:—

Monday morning, the 8th January, at half-past nine, on Constitutional Law and Legal History; in the afternoon, at half-past one, on Equity.

Tuesday morning, the 9th January, at half-past nine, on Common Law; in the afternoon, at half-past one, on the Law of Real Property, &c.

Wednesday morning, the 10th January, at half-past nine, on Jurisprudence and the Civil Law; in the afternoon, at half-past one, a paper will be given to the students including questions bearing upon all the foregoing subjects of examination.

The oral examination will be conducted in the same order, during the same hours, and on the same subjects, as those already marked out for the examination by

printed questions, except that on Wednesday afternoon there will be no oral examination.

The oral examination of each student will be conducted apart from the other students; and the character of that examination will vary, according as the student is a candidate for honours or a studentship, or desires simply to obtain a certificate.

The oral examination and printed questions will be founded on the books below mentioned, regard being had, however, to the particular object with a view to which the student presents himself for examination.

In determining the question, whether a student has passed the examination in such a manner as to entitle him to be called to the Bar, the examiners will principally have regard to the general knowledge of law and jurisprudence which he has displayed.

A student may present himself at any number of examinations, until he shall have obtained a certificate.

Any student who shall obtain a certificate may present himself a second time for examination as a candidate for the studentship, but only at one of the three examinations immediately succeeding that at which he shall have obtained such certificate; provided, that if any student so presenting himself shall not succeed in obtaining the studentship, his name shall not appear in the list.

Students who have kept more than eleven terms shall not be admitted to an examination for the studentship.

The READER ON CONSTITUTIONAL LAW and LEGAL HISTORY proposes to examine on the following books:—

Hallam's Constitutional History; Chapters on the Reign of James I, Charles I, Charles II, and James II; Rapin's History of James I, Charles I, Charles II, and James II.

Those who present themselves to obtain distinctions will be examined more minutely, and expected to answer more difficult questions, drawn from the same sources, and to be acquainted with the important statutes and trials of the period; and also to answer questions relating to the progress and alterations of English law during the aforesaid reigns.

The READER ON EQUITY proposes to examine in the following books:—

1. Smith's Manual of Equity Jurisprudence.

2. The Act to amend the Practice and Course of Procedure in the Court of Chancery, 15 & 16 Vict. c. 86.

3. Spence's Equitable Jurisdiction of the Court of Chancery, vol. 1, part 2, book 1.

4. The Cases and Notes in the first volume of White & Tudor's Leading Cases in Equity.

Candidates for the studentship or honours will be examined in all the above books.

Candidates for certificates of fitness will be examined in 1 and 2.

The READER on the LAW OF REAL PROPERTY proposes to examine in the following books and subjects:—

1. Williams—Real Property; Stephen—Commentaries, vol. 1; Sugden—Powers, vol. 1.

2. The Law of Mortmain, and the Statute of 9 Geo. 2, c. 36.

3. Hargrave on the Thellusson Act; and the recent cases of *Barrington v. Liddell* (2 De G., Mac., & G. 480) and *Eduards v. Tuck*, (3 De G., Mac., & G. 40).

Candidates for a studentship or other honorary distinction will be examined in all the foregoing books and subjects. Candidates for a certificate will be examined in those mentioned in part 1.

The READER ON JURISPRUDENCE and the CIVIL LAW proposes to examine candidates for honours in the following books:—

1. The Introduction and the First Book of Warnkönig's Institutiones Juris Romani Privati.
2. The Fourth Book of the Commentaries of Gaius.
3. The Third and Fifth Lectures of Kent on International Law. (Commentaries, vol. 1).
4. The Sixth Chapter of Story's Conflict of Laws. Candidates for a certificate will be examined in—
1. The First Two Books of the Institutes of Justinian, with the Notes of Sandars.
2. The Fifth Lecture of Kent on International Law.

The READER on COMMON LAW proposes to examine in the books and subjects under mentioned:—

Candidates for a certificate merely will be examined in—

1. The Elements of the Law of Contracts, so far as treated of in Smith's Lectures, 1—5 inclusive.
2. The Proceedings at a Criminal Trial. (Dearsly's Criminal Process).

Candidates for the studentship or honours will be examined as well in the above subjects as in—

1. The Nature and Principles of Evidence. (Taylor on Evidence, vol. 1, part 1).
2. The Common-law Procedure Act, 1854, ss. 68—87 inclusive, (with the explanatory notes thereto contained in Mr. Philips' edition of the Act).

By order of the Council,

RICHARD BETHELL, Chairman.

Council Chamber, Lincoln's Inn, Nov. 29, 1854.

### COURT OF EXCHEQUER.

MICHAELMAS TERM.—18 VICTORIA.—Dec. 5, 1854.

This Court will, in addition to the days already appointed, hold a sitting on Monday, the 18th day of December instant, and will at such sitting proceed in giving judgment in all matters then ready for judgment.

FREDERICK POLLOCK.

J. PARKE.

T. J. PLATT.

SAMUEL MARTIN.

### LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC, AND TO BE JUDICIALLY NOTICED.

17 & 18 VICTORIA.—SESSION 2.

(Continued from p. 477).

#### CAP. clix.

An Act for the Improvement of the Borough of Bolton, and for other Purposes, and of which the Short Title is, "The Bolton Improvement Act, 1854."

#### CAP. clx.

An Act for making a Railway from the Leeds, Bradford, and Halifax Junction Railway near Leeds to Wakefield, all in the West Riding of the County of York, to be called "The Bradford, Wakefield, and Leeds Railway;" and for other Purposes.

#### CAP. clxi.

An Act for the Improvement and Regulation of the Town of Lowestoft, and the Parishes of Lowestoft and Kirkley, otherwise Kirtley, in the County of Suffolk; and for other Purposes.

#### CAP. clxii.

An Act to enable the Leeds, Bradford, and Halifax Junction Railway Company to construct a Railway in Extension of and to alter the Levels of Part of their Railway from Gildersome Street to East Ardaley, in the West Riding of the County of York; and for other Purposes.

#### CAP. clxiii.

An Act for the better paving, draining, lighting, cleansing, and otherwise improving the Parish of West Bromwich, in the County of Stafford, and for constructing Cemeteries there, and for making, maintaining, and regulating Markets and Market Places therein; and for other Purposes.

#### CAP. clxiv.

An Act to confer additional Powers on the York, Newcastle, and Berwick Railway Company for constructing Docks at Jarro Slake, and a Branch Railway thereto; and to enable the Dean and Chapter of Durham to appropriate a Portion of the Money payable to them for the Purchase of Lands for the same to the Endowment of a Church; and for other Purposes.

#### CAP. clxv.

An Act to repeal the Act for more effectually repairing and maintaining the Turnpike Road from Chapel-en-le-Frith to or near to Enterclough Bridge, in the County of Derby, and other Roads therein mentioned, in the County of Derby and in the County Palatine of Chester; and to make other Provisions in lieu thereof.

#### CAP. clxvi.

An Act to re-incorporate the Patent Solid Sewage Manure Company, and to extend its Powers.

#### CAP. clxvii.

An Act for supplying with Gas the Townships of Farnworth and Kearsley, in the County Palatine of Lancaster.

#### CAP. clxviii.

An Act to enable the Bangor and Caernarvon Railway Company to raise additional Capital, and to authorise the Sale or Lease of the said Company's Railway to the Chester and Holyhead Railway Company.

#### CAP. clxix.

An Act for the Provision, Regulation, and Maintenance of County Industrial Schools in Middlesex.

#### CAP. clxx.

An Act for the Embankment, Reclamation, and Drainage of Lands in the Bay of Bannow, in the County of Wexford.

#### CAP. clxxi.

An Act to amend the Acts relating to the Ambergate, Nottingham, and Boston and Eastern Junction Railway Company, and to authorise the Reduction and Regulation of and certain Arrangements as to the Capital of the said Company; and for other Purposes.

#### CAP. clxxii.

An Act for more effectually draining certain Fen Lands and Wet Grounds, called "The Great West Fen," in the Parish of Hilgay, in the County of Norfolk.

#### CAP. clxxiii.

An Act for more effectually repairing the Road from Stourbridge, in the County of Worcester, to Bridgnorth, in the County of Salop.

#### CAP. clxxiv.

An Act to enable the Shrewsbury and Hereford Railway Company to lease their Undertaking.

#### CAP. clxxv.

An Act to enable the Dublin and Wicklow and the Dublin and Kingstown Railway Companies to alter certain existing Contracts therein mentioned; and for other Purposes.

#### CAP. clxxvi.

An Act for making a Railway from the Town of Inverness to the Town of Nairn.

#### CAP. clxxvii.

An Act to consolidate the several Acts relating to the Port and Harbour of Londonderry; for the Improvement of the Navigation of the Lough and River of Lough Foyle; and to authorise the Construction of a uniform Line of Quays, Docks, and other Works.

## CAP. clxxviii.

An Act for the more effectual Drainage and Improvement of certain Lands in the Wapentake of Ouse and Derwent, in the East Riding of the County of York; and for other Purposes.

## CAP. clxxix.

An Act to reduce the Capital and define the Undertaking of the Shropshire Union Railways and Canal Company.

## CAP. clxxx.

An Act for making a Railway from the Town of Wells to join the Norfolk Railway at Fakenham, to be called "The Wells and Fakenham Railway."

## CAP. clxxxi.

An Act to enable the Local Board of Health for the Township of Darlington to supply Gas and Water within their District, and to purchase the Works of the Darlington Gas and Water Company; to establish and regulate Markets and Slaughter-houses, and a Public Park; to construct Sewage Works, and raise Money; and for other Purposes.

## CAP. clxxxii.

An Act for vesting the Ardrossan Railway in the Glasgow and South-western Railway Company; and for other Purposes.

## CAP. clxxxiii.

An Act for transferring to the Mayor, Aldermen, and Burgesses of the Borough of Blackburn all the Powers and Property now vested in the Blackburn Improvement Commissioners, and certain Powers and Property by the Private Act of the 4 & 5 Vict. c. xli, vested in the Overseers of the Poor of the Township of Blackburn, authorising the Corporation to purchase the Property of the Blackburn Waterworks Company, and conferring on them further Powers for the Improvement and Regulation of the Borough; and for other Purposes.

## CAP. clxxxiv.

An Act for vesting in the Caledonian Railway Company certain Portions of the Undertaking of the General Terminus and Glasgow Harbour Railway Company.

## CAP. clxxxv.

An Act to enable the Newport Dock Company to construct a new Dock and other Works; and for other Purposes.

## CAP. clxxxvi.

An Act to enable the Portsmouth Railway Company to make certain Alterations in the Line and Levels of their Railway, and to extend their said Line from Godalming to Shalford; and for other Purposes.

## CAP. clxxxvii.

An Act to authorise the Great North of Scotland Railway Company to divert their Railway; to make a short Branch to the Victoria Docks at Aberdeen; to enter into Arrangements with the Aberdeen Harbour Commissioners and the Aberdeen Railway Company with respect to a Tramway to connect the two Railways; and for other Purposes.

## CAP. clxxxviii.

An Act for the more effectual Drainage and Improvement of certain Lands in the Parish of Methwold, in the County of Norfolk; and for other Purposes.

## CAP. clxxxix.

An Act for making a Railway from the South Devon Railway near Plymouth to Tavistock, with a Branch, to be called "The South Devon and Tavistock Railway;" and for other Purposes.

## CAP. cxc.

An Act for incorporating and regulating a Company to be called "The Royal Conical Flour Mill Company," and to enable the said Company to purchase, work, and use certain Letters Patent; and for other Purposes.

## CAP. cxci.

An Act to enable the Newport and Pillgwenly Waterworks Company to increase and extend their Supply of Water, and to construct new Works; and for other Purposes.

## CAP. cxcii.

An Act for authorising Arrangements with respect to the South Reserve at Birkenhead, and for other Purposes, and of which the Short Title is, "The Birkenhead Dock Trustees Act, 1854."

## CAP. cxcliii.

An Act for making a Railway from Rhymney to a Point of Junction with the Newport, Abergavenny, and Hereford Railway, near Beddlewyn, with a Branch up the Bargoed Rumney Valley, to be called "The Rhymney Railway;" and for other Purposes.

## CAP. cxciv.

An Act to enable the North Staffordshire Railway Company to make a Railway from Stoke-upon-Trent to Congleton, with Branches therefrom.

## CAP. cxcv.

An Act to repeal, alter, amend, and extend some of the Powers and Provisions of the Tees Conservancy and Stockton Dock Act, 1852; and for other Purposes relating to the Conservancy of the Tees.

## CAP. cxcvi.

An Act for making a Turnpike Road from Garth-Pembryn to Adwyddu, in the County of Merioneth, with a Bridge over the Estuary of Straethbach, in the said County.

## CAP. cxcvii.

An Act to incorporate a Company for the Purpose of lighting with Gas the Parishes of Tormoham and St. Mary Church, in the County of Devon.

## CAP. cxcviii.

An Act for transferring to a Company the Powers vested in the Commissioners under the North Shields Quay Act, 1851.

## CAP. cxcix.

An Act for making a Railway from the Town and Royal Burgh of Selkirk to the Hawick Branch of the North British Railway, about a Mile Southwards from the Galashiels Station of the said Branch; and for other Purposes.

## CAP. cc.

An Act for making a Railway from the London and North-western Railway, near Stockport, to Disley and Whaley Bridge, all in the County of Chester; and for other Purposes.

## CAP. cci.

An Act for authorising the Transfer to the London and North-western Railway Company of the Haydon-square Branch of the London and Blackwall Railway, and for other Purposes, and of which the Short Title is, "The London and North-western Railway Act, 1854."

## CAP. ccii.

An Act for enabling the Great Western Railway Company to make a Branch Railway to connect the Berks and Hants Railway with the Main Line of the Great Western Railway, near Reading; for extending the Time for Completion of Parts of the Wilts, Somerset, and Weymouth Railway, and for reviving the Powers for Purchase of Land for, and for completing other Portions of that Railway; and for other Purposes.

## CAP. cciii.

An Act for limiting the Liability of the Shareholders in the Electric Telegraph Company, and for granting additional Powers to such Company.

## CAP. cciv.

An Act for determining the existing Lease of the West London Railway to the London and North-western Railway Company, and for enabling the last-mentioned Company and the West London Railway Company to enter into fresh Arrangements for the Sale or Lease of the Undertaking of the West London Railway Company to the London and North-western Railway Company, and for the Settlement of all Disputes between the said Companies; and for other Purposes.

## CAP. ccv.

An Act for making a Railway from the Parish of St. John the Evangelist, in the City and Liberty of Westminster, to Clapham, in the County of Surrey, with a Branch from such Railway to join the authorised Line of the West End of London and Crystal Palace Railway at Long Hedge Farm, in the Parish of St. Mary, Battersea, in the County of Surrey.

## CAP. ccvi.

An Act to extend the Powers of the Cork and Waterford Railway Company, and to enable them to abandon Part of their Railway to Waterford, and the Branch to Tranmore; and for other Purposes.

## CAP. ccvii.

An Act to alter the Lines and Levels of the Stratford-upon-Avon and Stourbridge Branches of the Oxford, Worcester, and Wolverhampton Railway; to construct certain Branch Railways and Works connected therewith; to amend the Acts relating to the Oxford, Worcester, and Wolverhampton Railway Company; and for other Purposes.

## CAP. ccviii.

An Act to authorise Agreements between the Direct London and Portsmouth Railway Company and the Portsmouth Railway Company, and for winding up the Affairs of the Direct London and Portsmouth Railway Company.

## CAP. ccix.

An Act for enabling the Oxford, Worcester, and Wolverhampton Railway Company to construct a Branch Line of Railway to the Town of Chipping Norton, in the County of Oxford, and for regulating the Working and Use of the same by such Company.

## CAP. ccx.

An Act to enable the West End of London and Crystal Palace Railway Company to make a Railway from Norwood to Bromley and Farnborough; and for other Purposes.

## CAP. ccxi.

An Act to dissolve the York and North Midland and Leeds Northern Railway Companies, and to vest their Undertakings in the York, Newcastle, and Berwick Railway Company, to be thenceforth called "The North-eastern Railway Company," and to alter the Constitution of that Company, and to authorise working Arrangements with the Malton and Driffield Junction Railway Company, and the Amalgamation of that Company with such united Company; and for other Purposes.

## CAP. ccxii.

An Act for making a Railway from the Newcastle-upon-Tyne and Carlisle Railway, at or near Hexham, in the County of Northumberland, to or near the Belling, in the Parish of Falstone, in the same County, to be called "The Border Counties Railway, (North Tyne Section); and for other Purposes.

## CAP. ccxiii.

An Act for relieving the Ratcliff Gas-light and Coke Company, and their Servants and Agents, from certain Penalties and Penal Actions.

## CAP. ccxiv.

An Act to authorise Working Arrangements between the Ambergate, Nottingham, and Boston and Eastern Junction Railway Company and the Great Northern Railway Company, or Lease or Sale to the last-named Company.

## CAP. ccv.

An Act for making a Railway from the London and South-western Railway at Salisbury to Yeovil, and to form a Junction with the Railways at Yeovil of the Great Western and Bristol and Exeter Railway Companies respectively; and for other Purposes.

## CAP. ccxvi.

An Act to repeal and amend the Act for incorporating the British Guarantee Association, and to make further Provisions as to the Management and Regulation thereof.

## CAP. ccxvii.

An Act to transfer the Paisley Waterworks to the Magistrates and Council of Paisley, and to enable them to construct additional Works for supplying Paisley, Johnstone, and Places adjacent with Water.

## CAP. ccxviii.

An Act for making a Railway from the South Wales Railway, at or near the Borough of Carmarthen, to the Town of Newcastle Emlyn, with a View of being hereafter extended to the Town and Harbour of Cardigan; and for other Purposes.

## CAP. ccxix.

An Act to repeal an Act for better regulating the Poor within the City of Oxford, and to grant further and more effectual Powers in lieu thereof; and also to provide for rating to the Relief of the Poor certain Hereditaments within the University of Oxford.

## CAP. ccxx.

An Act for authorising and confirming Arrangements and Agreements between the Eastern Counties Railway Company and all or any of the Norfolk, the Eastern Union, the East Anglian, and the Newmarket Railway Companies, and for other Purposes, and of which the Short Title is, "The Eastern Counties, and the Norfolk, the Eastern Union, the East Anglian, and the Newmarket Railways Act, 1854."

## CAP. ccxxi.

An Act to alter and extend the North Metropolitan Railway, and to consolidate and amend the Provisions relating thereto.

## CAP. ccxxii.

An Act to authorise the Consolidation into one Undertaking of the Great Western, the Shrewsbury and Birmingham, and the Shrewsbury and Chester Railways, and the Union into one Company of the three several Companies to whom the said Railways respectively belong.

## London Gazettes.

FRIDAY, DECEMBER 1.

## BANKRUPTS.

**WILLIAM WATTS**, East Cowes and West Cowes, Isle of Wight, Southampton, chemist, druggist, grocer, and mealman, Dec. 12 at 2, and Jan. 16 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Stokes, Cowes, Isle of Wight.—Petition filed Nov. 29.

**JAMES THOMAS SNOW**, Pollen-street, Maddox-street, Hanover-square, Middlesex, butcher, Dec. 14 at 1, and Jan. 16 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Salmon, Bury St. Edmund's, Suffolk; Nichols & Clark, 9, Cook's-court, Lincoln's-inn, London.—Petition filed Nov. 28.

**JOHN UPSON**, Bexley Heath, Bexley, Kent, boot and shoe maker, dealer and chapman, Dec. 7 at half-past 11, and Jan. 11 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Russell, Dartford; Bower & Son, 46, Chancery-lane.—Petition filed Nov. 29.

**ROBERT JACKSON**, Lombard-street, London, shipowner and merchant, dealer and chapman, Dec. 8 and Jan. 9 at 11, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Lawrance & Co., Old Jewry-chambers.—Petition filed Nov. 21.

**WILLIAM FINCH**, formerly of Crutched-friars, London; afterwards of Woburn-place, Russell-square, Middlesex; then of Bartholomew-lane, London; and now a prisoner in the Queen's Prison, Surrey, wine merchant, dealer and chapman, Dec. 8 at 12 and Jan. 11 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Walsh, 11, Staple-inn.—Petition filed Nov. 27.

**WILLIAM HAZLE**, late of Foster-lane, London, and now of Pownall-road, Dalston, Middlesex, lace dealer and commission agent, dealer and chapman, Dec. 8 at half-past 12, and Jan. 9 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Chidley, 19, Gresham-street.—Petition filed Nov. 29.

**WILLIAM BARTHOLOMEW**, Chichester, Sussex, cabinet maker, Dec. 8 and Jan. 9 at half-past 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Patrick, 47, Parliament-street.—Petition filed Nov. 18.

**CHARLES PARKER and EDWIN PARKER**, Northampton, boot and shoe manufacturers, dealers and chapmen, Dec. 8 at 2, and Jan. 17 at half-past 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Cooke, Northampton; Weller, 8, King's-road, Bedford-row.—Petition dated Nov. 30.

**JAMES BALDING**, King's Arms-place, Old Kent-road, Surrey, hat manufacturer, Dec. 13 at 11, and Jan. 20 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Lawrence & Co., 12, Bread-street, Cheapside.—Petition dated Dec. 1.

**JAMES BACH**, Ludlow, Shropshire, auctioneer and seedsman, dealer and chapman, Dec. 13 and Jan. 8 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Downes, 1, Adelaide-place, London-bridge, London.—Petition dated Nov. 30.

**JAMES GAUKROGER, TITUS GAUKROGER, and WILLIAM SLATER**, Hebble End Mill, near Hebden-bridge, Halifax, Yorkshire, cotton spinners, dealers and chapmen, (carrying on business under the style or firm of Slater & Gaukrogers), Dec. 18 at 12, and Jan. 15 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. J. P. & W. Sutcliffe, Hebden-bridge; Alexander, Halifax; Bond & Barwick, Leeds.—Petition dated Nov. 23.

**TITUS GAUKROGER and JAMES GAUKROGER**, New Bridge and Lord Holme Mills, near Hebden-bridge, Halifax, Yorkshire, cotton spinners, dealers and chapmen, (carrying on business under the style or firm of James Gaukroger & Sons), Dec. 18 and Jan. 15 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. J. P. & W. Sutcliffe, Hebden-bridge; Alexander, Halifax; Bond & Barwick, Leeds.—Petition dated Nov. 23.

**JOSEPH WHITEHEAD**, Bradford, Yorkshire, coach builder, dealer and chapman, Dec. 18 at half-past 11, and Jan. 16 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Foster, Bradford; Bond & Barwick, Leeds.—Petition dated Nov. 27.

**ROBERT ADAMS**, Liverpool, merchant, dealer and chapman, Dec. 15 and Jan. 5 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sol. Banner, Liverpool.—Petition filed Nov. 29.

**EDWARD JONES**, Chester, timber merchant, Dec. 12 at 11, and Jan. 3 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Evans & Son, Liverpool; Walker, Chester.—Petition filed Nov. 29.

**BETTY BARON, HENRY WILLIAM KNOWLES, and JAMES HEYWORTH**, Bacup, Lancashire, manufacturers, Dec. 19 and Jan. 14 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Rowley & Son, Manchester.—Petition filed Nov. 24.

**ROBERT ROBINSON**, Manchester, provision dealer, dealer and chapman, Dec. 15 and Jan. 5 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sol. Partington, Manchester.—Petition filed Nov. 27.

**WILLIAM LITTLEJOHN DOWIE**, Manchester, tailor and draper, Dec. 13 and Jan. 10 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sol. Hardman, Manchester.—Petition filed Nov. 11.

**JOHN TAYLOR and JAMES BURTON**, Stockport, Cheshire, power-loom cloth manufacturers, Dec. 18 and Jan. 15 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Sale & Co., Manchester.—Petition filed Nov. 25.

#### MEETINGS.

*Charles Davis and John Batou*, Surbiton-hill, Kingston-upon-Thames, Surrey, builders, Dec. 20 at 2, Court of Bankruptcy, London, last ex. and aud. ac.—*Thomas Wag-horn*, Rochester, Kent, draper, Dec. 12 at half-past 1, Court of Bankruptcy, London, last ex.; Dec. 20 at 12, div.—*Joseph Trevelhan*, Lower Norwood, Surrey, brickmaker, Dec. 19 at 2, Court of Bankruptcy, London, last ex.—*Charles Gooda*, Great Yarmouth, Norfolk, baker, Dec. 13 at half-past 12, Court of Bankruptcy, London, last ex.—*Simeon Stansfield*, Little Hulton, Lancashire, cotton spinner, Dec. 21 at 12, District Court of Bankruptcy, Manchester, last ex.—*Peter Ormerod*, *George Heyworth*, *Timothy Heyworth*, *Edmund Bridge*, and *Robert Crossley*, Egypt Mill, near Rawtenstall,

Lancashire, cotton manufacturers, Dec. 21 at 12, District Court of Bankruptcy, Manchester, last ex. of *George Heyworth*.—*John Chancellor*, Phoenix-place, Dorrington-street, Clerkenwell, Middlesex, and Hyde House, Battersea, Surrey, funeral carriage master, Dec. 13 at 1, Court of Bankruptcy, London, aud. ac.—*Ebenezer Heath*, Bridge-house-place, Newington-causeway, Surrey, leather seller, Dec. 13 at 1, Court of Bankruptcy, London, aud. ac.—*John Clarke*, New Cavendish-street, Portland-place, and Upper Marylebone-street, Middlesex, surgeon, Dec. 13 at 1, Court of Bankruptcy, London, aud. ac.—*Thomas Jardine*, Liverpool, stonemason, Dec. 14 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*T. M. Harris*, Liverpool, shipowner, Dec. 14 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; Dec. 22 at 11, div.—*Edward Paleton*, Preston, Lancashire, draper, Dec. 21 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Jan. 4 at 12, div.—*Walter Bridge* the elder, Manchester, timber dealer, Dec. 14 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Dec. 22 at 12, div.—*Joseph Smithson*, Mirfield, Yorkshire, corn miller, Dec. 11 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Richard White*, Thorney Close and Sunderland, Durham, Dec. 20 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*E. Cuntiffe*, Goodshaw Fold, within Higher Booths, near Burnley, Lancashire, cotton spinner, Dec. 18 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*G. H. Cripps*, Shrewsbury, Shropshire, wine merchant, Dec. 22 at 1, Court of Bankruptcy, London, div.—*Wm. James*, Stone, Berkeley, Gloucestershire, builder, Dec. 22 at 11, District Court of Bankruptcy, Bristol, div.—*C. F. Thomas*, Bristol, shipbroker, Dec. 28 at 11, District Court of Bankruptcy, Bristol, div.—*Sampson Langdale*, *John Eytton*, and *M. J. Cooke*, Newcastle-upon-Tyne, merchants, Dec. 22 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Thomas Padley* *Sant*, Stephenson's-terrace, Caledonian-road, Islington, Middlesex, baker, Dec. 22 at 1, Court of Bankruptcy, London.—*James Martin*, Maidstone, Kent, hatter, Dec. 22 at 1, Court of Bankruptcy, London.—*Nicholas Mason* *Day*, Bunhill-row, Middlesex, machine maker, Dec. 22 at 1, Court of Bankruptcy, London.—*Cornelius Gibbs*, Thorndon, Suffolk, innkeeper, Dec. 22 at half-past 12, Court of Bankruptcy, London.—*James Whittinger*, Finedon, near Wellingborough, Northamptonshire, builder, Dec. 22 at half-past 11, Court of Bankruptcy, London.—*James WOODS*, Manchester, eating-house keeper, Jan. 4 at 12, District Court of Bankruptcy, Manchester.

*To be granted, unless an Appeal be duly entered.*

*Robert Mooney*, Pleasant-row, Holloway-road, and Cropley-st., Hoxton New-town, Middlesex, tea dealer.—*Wm. Robinson*, Church-row, Limehouse, Middlesex, shipowner.—*Joseph Lakin*, Crawford-st., St. Marylebone, Middlesex, linendraper.—*Joseph Wm. Hall*, Cardiff, Glamorganshire, dealer in agricultural implements.—*Thos. Wigfall*, Sheffield, Yorkshire, table-knife manufacturer.—*George Jones*, Sheffield, Yorkshire, brush manufacturer.

#### PETITION ANNULED.

*Wm. Taylor Warren*, *Matthew Warren*, and *Charles Denrocks*, Cardiff, Glamorganshire, contractors.

#### PARTNERSHIPS DISSOLVED.

*Frederick Roll* and *Charles Etherington*, Skinner's-place, Sise-lane, London, attorneys, solicitors, and conveyancers.—*Thomas W. Clough* and *Alfred Bantoft*, Huddersfield, Yorkshire, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*James Prentiss*, Glasgow, warehouseman.—*Robert Park*, Milburn Quarry, near Glasgow, sand quarrier.—*Robert M. Johnston*, Glasgow, baker.—*John Campbell*, Glasgow, manufacturer.—*Peter Harley*, Arbroath, draper.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Thomas Eames*, Havant, Southampton, sheep dresser, Dec. 16 at 11, County Court of Hampshire, at Portsmouth.—*H. Thomas Crew Kemp*, Portsea, Southampton, pork butcher,

Dec. 16 at 11, County Court of Hampshire, at Portsmouth.—*Samuel James Thomason*, Liverpool, brewer, Dec. 5 at 10, County Court of Lancashire, at Liverpool.—*Joseph Dagnette Grimsey*, Coddendam, Suffolk, schoolmaster, Dec. 15 at 9, County Court of Suffolk, at Ipswich.—*Henry Ockenden*, Hastings, Sussex, grocer, Dec. 14 at 11, County Court of Sussex, at Hastings.—*Frederick Pryke*, Ipswich, Suffolk, tailor, Dec. 15 at 9, County Court of Suffolk, at Ipswich.—*T. Sellers*, Calver, Bakewell, Derbyshire, out of business, Dec. 14 at 11, County Court of Derbyshire, at Bakewell.—*Joseph Corker*, Knaresborough, Yorkshire, butcher, Dec. 8 at 11, County Court of Yorkshire, at Knaresborough.—*John Clift*, Wolverhampton, Staffordshire, out of business, Dec. 19 at 9, County Court of Staffordshire, at Wolverhampton.—*Thos. Bassford*, Wolverhampton, Staffordshire, builder, Dec. 19 at 9, County Court of Staffordshire, at Wolverhampton.—*Thos. Cartledge*, Crimble, near Knaresborough, Yorkshire, out of business, Dec. 8 at 11, County Court of Yorkshire, at Knaresborough.—*Edwin May*, Cannington, Somersetshire, assistant to a licensed victualler, Dec. 14 at half-past 9, County Court of Somersetshire, at Bridgewater.—*James Nield*, Prestwich-cum-Oldham, Lancashire, schoolmaster, Dec. 15 at 12, County Court of Lancashire, at Oldham.—*Wm. Robert Griesbach*, Ashover, near Matlock, Derbyshire, clerk, Dec. 16 at 10, County Court of Yorkshire, at Pocklington.—*Edwin King Rose*, Coalville, Leicestershire, carpenter, Dec. 12 at 10, County Court of Leicestershire, at Ashby-de-la-Zouch.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Dec. 15 at 10, before the CHIEF COMMISSIONER.*

*Joseph S. Ward*, Church-street, Spitalfields, Middlesex, attorney's clerk.—*Abraham Van Crewell*, Mansell-street, Goodman's-fields, Middlesex, commission agent.—*Samuel G. Harvey*, Sidney-terrace, Kilburn, Middlesex, selling horses on commission.—*Wm. Elliott*, Princes-street, Marylebone, Middlesex, foreman to a cab proprietor.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Dec. 15 at 10, before Mr. Commissioner MURPHY.*

*Samuel Y. Collins*, Victoria-terrace, Royal-road, Walworth, Surrey, coal dealer.

*Dec. 16 at 11, before Mr. Commissioner PHILLIPS.*

*Thos. Whitechurch*, Snells-park, Upper Edmonton, Middlesex, omnibus coachman.—*Jacob Fieller*, Goulston-square, Whitechapel, Middlesex, tailor.

*Dec. 18 at 10, before the CHIEF COMMISSIONER.*

*George Peast*, Farnham, Surrey, out of business.—*Benjamin Hutchinson*, Meard-street, Dean-street, Soho, Middlesex, boot closer.—*Peter M'Grath*, Francis-street, Tottenham-court-road, Middlesex, mason.—*Alexander Samuel*, Globe-road, Mile-end-road, Middlesex, out of business.

*Dec. 18 at 11, before Mr. Commissioner PHILLIPS.*

*Charlotte Harris*, widow, Oxford-terrace, Hyde-park, Middlesex, lodging-house keeper.—*Wm. H. Rodbard*, Newcastle-place, Edgware-road, Middlesex, clerk to the Great Western Railway Company.

*Dec. 18 at 10, before Mr. Commissioner MURPHY.*

*John May*, Marsh-hill, Marsh-gate, Homerton, Middlesex, dealer in milk.—*George L. Story*, Moreton-terrace, Kentish-town, Middlesex, house agent.—*Mary Bevan*, Princes-square, St. George's-in-the-East, Middlesex, out of business.—*James Cummins*, Stacey-street, St. Giles's, Middlesex, cowkeeper.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Durham, at DURHAM, Dec. 8.*

*Thomas O'Neil*, Durham, dealer in Sheffield and Birmingham goods.

*At the County Court of Yorkshire, at YORK, Dec. 18.*

*James Orton*, Marssett, near Hawes, husbandman.—*John*

*Hargreaves*, Hedingley, near Leeds, bricklayer.—*T. Batty*, Mortomley, Ecclesfield, near Sheffield, farmer.—*John Lund*, New Wortley, near Leeds, saddler.—*James Wainhouse*, Norland, near Halifax, out of business.—*Edmund Halliwell*, Norland, near Halifax, farmer.—*Ely Smith*, Greenhead, Norland, near Halifax, farmer.—*W. Walker*, Sheffield, innkeeper.—*Jeremiah Allutt*, Heckmondwike, near Leeds, slubber.—*Edwin Lodge*, Stirley, near Huddersfield, woollen manufacturer.—*Wm. Shackleton*, Keighley, out of business.—*James Allen*, Sheffield, out of business.—*John Linley*, Leeds, out of business.—*Wm. Marshall*, Halifax, mechanic.—*John Mellor*, Kirkburton, near Huddersfield, out of business.—*N. Slater*, Bradford, plumber.—*John Midgley*, Bradford, plumber.—*Thomas Cooper*, Leeds, out of business.—*Thomas Ibbison*, Leeds, greengrocer.—*George Spencer*, Keighley, out of business.—*Thomas Sanderson*, Leeds, dealer in woollen cloths.—*Samuel Pearson*, Morley, near Leeds, woollen cloth manufacturer.—*John Smith*, Leeds, out of business.—*S. Eastwood*, Leeds, brushmaker.—*Jonathan T. Crosby*, Pontefract, shoemaker.—*Samuel Barker*, Bradford, out of business.—*William Walmsley*, Bradford, out of business.

*At the County Court of Northumberland, at MORPETH, Dec. 22 at 10.*

*Thomas Hindmarch*, Morpeth, master mariner.

#### MEETING.

*Henry Hick*, York, out of business, Dec. 18 at 4, at Wainwright's Hotel, Kirkgate, Wakefield, Yorkshire, sp. aff.

### TUESDAY, DECEMBER 5.

#### BANKRUPTS.

**WILLIAM HUNT**, Bedford-row, Middlesex, wine and spirit merchant, Dec. 12 and Jan. 18 at 12, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Low, 65, Chancery-lane.—Petition filed Dec. 1.

**JOHN BISLEY**, Southampton, carpenter, builder, and undertaker, dealer and chapman, Dec. 12 at 2, and Jan. 19 at half-past 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Mackey, Southampton; Paterson, 7, Bouverie-street, London.—Petition filed Dec. 1.

**JAMES CHARLES JOHNS**, King William-street, London, and Mickleham, Surrey, commission agent, dealer in mining and other shares, dealer and chapman, Dec. 13 at 2, and Jan. 16 at half-past 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Bradden, 12, South-square, Gray's-inn.—Petition filed Nov. 17.

**CHARLES KELLY**, High-street, Kensington, and Baker-street Bazaar, Baker-street, Portman-square, Middlesex, auctioneer and dealer in pianofortes, Dec. 16 at half-past 12, and Jan. 24 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Chidley, 17, Gresham-street, City.—Petition dated Nov. 3.

**DANIEL CHAPMAN**, Cornwall-road, Hammersmith, Middlesex, builder, Dec. 15 at 2, and Jan. 16 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Jones, 9, Quality-court, Chancery-lane, London.—Petition filed Nov. 30.

**CHARLES SAMUEL SASSE**, High-street, Portland-town, Middlesex, bread and biscuit baker, dealer and chapman, Dec. 15 and Jan. 16 at 1, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Blackmore, 10, Chandos-street, Cavendish-square, London.—Petition filed Dec. 4.

**THOMAS PALMER**, Birmingham, licensed victualler, dealer and chapman, Dec. 15 and Jan. 12 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Hawkes, Birmingham.—Petition dated Nov. 30.

**THOMAS PLUMLEY DERHAM and WILLIAM BENNETT**, Bristol, cabinet makers and upholsterers, (lately carrying on business under the style or firm of Derham & Bennett), Dec. 18 and Jan. 22 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Trenerry, and Bevan & Girling, Bristol.—Petition filed Dec. 1.

**JOHN BUSH MERCER**, Bath, carpenter, Dec. 19 and Jan. 22 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Moyer, Bath.—Petition filed Nov. 20.

**EDWARD LEADER BOX**, Bristol, corn and seed merchant, Dec. 18 and Jan. 16 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Bevan & Girling, Bristol.—Petition filed Dec. 4.

**WILLIAM CROWTHER**, Halifax, Yorkshire, innkeeper, dealer and chapman, Dec. 19 at half-past 12, and Jan. 16 at half-past 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Wavell & Co., Halifax.—Petition dated Nov. 29.

**JOHN MITCHELL**, Morton, Bingley, Yorkshire, worsted spinner, dealer and chapman, Dec. 22 and Jan. 26 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Weatherhead & Burr, Bingley & Keighley, and Bond & Barwick, Leeds.—Petition dated Nov. 28.

**GEORGE JONES and EDMUND CLEGG**, Salford, Lancashire, ironfounders, Dec. 15 and Jan. 5 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sol. Slater, Manchester.—Petition filed Nov. 30.

**DAVID AINSWORTH**, Manchester, warehouseman and commission agent, Dec. 19 and Jan. 16 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Sale & Co., Manchester.—Petition filed Dec. 1.

#### MEETINGS.

*Edward Biven*, King William-street, London, watchmaker, Dec. 29 at half-past 12, Court of Bankruptcy, London, last ex.—*Charles Plaister*, Eversholt-street, St. Pancras, Middlesex, draper, Dec. 20 at 12, Court of Bankruptcy, London, aud. ac.—*Wm. Whately*, Lawrance Pountney-hill, London, merchant, Dec. 16 at 12, Court of Bankruptcy, London, and ac.—*Edward William Pack*, Laurence-lane, London, and Nelson-square, Blackfriars-road, Surrey, hat and cap manufacturer, Dec. 19 at 11, Court of Bankruptcy, London, aud. ac.—*William Kynersey* and *Henry Kynersey*, Tatenhill, Staffordshire, millers, Dec. 16 at 12, District Court of Bankruptcy, Birmingham, aud. ac. joint and sep. ests.—*Thomas Turner*, Mosbrough, Eckington, Derbyshire, grocer, Dec. 16 at 12, District Court of Bankruptcy, Sheffield, aud. ac.—*Samuel Bell*, Liverpool, confectioner, Dec. 27 at 11, District Court of Bankruptcy, Liverpool, div.—*J. Higginson* and *Richard Deane*, Liverpool and Barbadoes, Dec. 28 at 11, District Court of Bankruptcy, Liverpool, div.—*R. Greenham*, Liverpool, merchant, Dec. 28 at 11, District Court of Bankruptcy, Liverpool, div.—*Richard Jackson* and *Richard Yale*, Leeds, Yorkshire, engineers, Dec. 29 at 11, District Court of Bankruptcy, Leeds, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Stephen Harris*, Kingston-upon-Thames, Surrey, ironmonger, Dec. 27 at 12, Court of Bankruptcy, London.—*E. Williams*, St. David's, Pembroke-shire, druggist, Dec. 29 at 11, District Court of Bankruptcy, Bristol.—*George Hammond*, King's-row, Walworth, Surrey, carpenter, Dec. 27 at half-past 12, Court of Bankruptcy, London.—*Joseph Chave*, Torquay, Devonshire, builder, Dec. 28 at 1, District Court of Bankruptcy, Exeter.—*Richard Farshaw*, Liverpool, machine maker, Dec. 27 at 11, District Court of Bankruptcy, Liverpool.—*Isaac Fletcher*, Liverpool, stockbroker, Dec. 28 at 11, District Court of Bankruptcy, Liverpool.—*William Clark*, Bradford, Yorkshire, tailor, Jan. 9 at 11, District Court of Bankruptcy, Leeds.

*To be granted, unless an appeal be duly entered.*

*George Williams*, Surbiton, Surrey, draper.—*John Smith* and *Luke Ashby*, Great Coram-street, Brunswick-square, Middlesex, linendrapers.—*James Rowley*, Shoreditch, Middlesex, commission agent.—*Henry Meadows*, Wellingborough, Northamptonshire, druggist.—*W. Watson*, Weedon Beck, Northamptonshire, licensed victualler.—*John M'Calla* and *Alexander Fotheringham*, Friday-street, Cheapside, London, warehousemen.—*John Solomon*, Circus, Minorities, London, shipowner.—*Timothy John Smith*, Windsor, Berkshire, dealer in cutlery.—*George Johnston*, Vere-street, Oxford-street, Middlesex, veterinary surgeon.—*Thomas Hutchings*, Axminster, Devonshire, nurseryman.—*G. H. Fourdriner*, Shelton, Stoke-upon-Trent, Staffordshire, paper manufacturer.—*K. Kettlewell*, Leeds, Yorkshire, silversmith.

#### PARTNERSHIP DISSOLVED.

*Thomas Rogerson* and *John Radcliffe*, Liverpool, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*Wm. Scoon*, Edinburgh, baker.—*John Finnie*, Edinburgh, brush manufacturer.—*J. & S. Ferguson*, Glasgow, builders.—*James Maclean & Co.*, Glasgow, merchants.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Wm. Smart*, Hawes Hill, near Rowley, Staffordshire, butty collier, Dec. 22 at 9, County Court of Worcestershire, at Dudley.—*Adrian Blakeley* the elder, Tod's End, near Tipton, Staffordshire, publican, Dec. 22 at 9, County Court of Worcestershire, at Dudley.—*Walter M'Taggart*, Shrewsbury, Shropshire, dealer in tea, Dec. 19 at 10, County Court of Shropshire, at Shrewsbury.—*R. G. Tomlin*, Dover, Kent, plumber, Dec. 12 at 11, County Court of Kent, at Dover.—*W. Meleng*, Dover, Kent, tailor, Dec. 12 at 11, County Court of Kent, at Dover.—*Samuel Westgate*, Shelton, Norfolk, farmer, Dec. 19 at 12, County Court of Norfolk, at Harleston.—*Daniel Butcher*, Holton, Suffolk, out of business, Dec. 21 at 12, County Court of Suffolk, at Halesworth.—*John Bird*, Bury St. Edmund's, Suffolk, shoemaker, Dec. 29 at 10, County Court of Suffolk, at Bury St. Edmund's.—*Henry Swann*, Hargrave, Suffolk, out of business, Dec. 29 at 10, County Court of Suffolk, at Bury St. Edmund's.—*Thomas C. Bridgman*, Bury St. Edmund's, Suffolk, photographic artist, Dec. 29 at 10, County Court of Suffolk, at Bury St. Edmund's.—*George Munro*, Bury St. Edmund's, Suffolk, tinman, Dec. 29 at 10, County Court of Suffolk, at Bury St. Edmund's.—*Henry Carpenter*, North Church, near Berkhamstead, Hertfordshire, grocer, Dec. 11 at 11, County Court of Buckinghamshire, at Chesam.—*William M. Lawrence*, Cambridge, whitesmith, Dec. 19 at 10, County Court of Cambridgeshire, at Cambridge.—*Richard Swann*, Cambridge, common carter, Dec. 19 at 10, County Court of Cambridgeshire, at Cambridge.—*John Mouel*, Cambridge, carpenter, Dec. 19 at 10, County Court of Cambridgeshire, at Cambridge.—*Isaac Ellwood*, Trumpington, Cambridgeshire, licensed victualler, Dec. 19 at 10, County Court of Cambridgeshire, at Cambridge.—*Herbert Riseley*, Cambridge, baker, Dec. 19 at 10, County Court of Cambridgeshire, at Cambridge.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Dec. 19 at 10, before the CHIEF COMMISSIONER.*

*Wm. Parker Astley*, Castle-street, Falcon-square, London, haberdasher.—*Aaron Samuel*, Green-street, Stepney, Middlesex, dealer in tobacco.

*Jan. 7 at 10, before Mr. Commissioner MURPHY.*

*Janet Maria Parkinson*, spinster, Hill-street, Peckham, Surrey, schoolmistress.—*Henry Mellor*, High-street, Bow, Middlesex, tailor.—*Robert H. Bailey*, Portland-place, Cambridge-heath, Bethnal-green, Middlesex, tailor.—*T. Account*, Brewer-street, Somers-town, Middlesex, coachsmith.—*Charles T. Case*, Postern-row, Tower-hill, Middlesex, watchmaker.—*Charles J. Jenner*, Portland-place, Westmoreland-road, Walworth, Surrey, ginger-beer manufacturer.—*William Primmer*, High-street, Wapping, Middlesex, grocer.—*P. L. Crowley*, Grafton-road, Kentish-town, Middlesex, stonemason.—*Wm. Sherborne*, Upper Ham-road, Kingston, Surrey, builder.—*Lewis Lewis*, Brunswick-street, Hackney-road, Middlesex, private coal meter.

*Saturday, Dec. 2.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Den Whittle*, Longworth, near Bolton-le-Moors, Lancashire, farmer, No. 29,308 C.; *John Bayley*, new assignee; *Thomas Wallwork*, late assignee, deceased.—*Ann Cotterill*, Birmingham, out of business, No. 78,845 C.; *Joseph Aston*, assignee.—*Ann Hopwood*, Knaresborough, Yorkshire, out of business, No. 78,559 C.; *Wm. C. Kettlewell*, assignee.

*Saturday, Dec. 2.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*John Bull*, Vere-street, New Bond-st., Middlesex, manager of an hotel; in the Debtors Prison for London and Middlesex.



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Newmarket, Huddersfield, Yorkshire, commission agent: in the Gaol of York.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Dec. 19 at 10, before the CHIEF COMMISSIONER.*

*James Cross*, Ironmonger-st., Old-st., St. Luke's, Middlesex, boot maker.—*Richard Gibbs Carpenter*, Church-street, Old Kent-road, Surrey, out of business.—*Joseph Kent*, Duncan-terrace, Islington, Middlesex, commission agent.—*John Martin*, Wakefield-street, Regent-square, Gray's-inn-road, Middlesex, hatter.

*Dec. 19 at 11, before Mr. Commissioner PHILLIPS.*

*Henry Woolcott*, High Holborn, Middlesex, fringe manufacturer.—*Charles Pinsent*, Queen's-terrace, St. John's-wood, Middlesex, cheesemonger.—*Jas. Wm. Beecher*, Brick-lane, Spitalfields, Middlesex, tailor.

*Dec. 19 at 10, before Mr. Commissioner MURPHY.*

*Maurice Steinar*, Upper Stamford-street, Blackfriars-road, Surrey, general agent.—*Ann Rayment*, Stratford, Essex, out of business.—*George Wm. Neales*, Stuckey-terrace, Camden-town, Middlesex, upholsterer.—*John Farr*, Hoxton, Middlesex, coal merchant.—*Suzanna Baker*, widow, Stanhope-street, Camden-town, Middlesex, in no occupation.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Devonshire, at EXETER, Dec. 19.*

*William Holmes*, St. Leonards, commission agent.

*At the County Court of Cambridgeshire, at CAMBRIDGE, Dec. 19 at 10.*

*John Nutter*, Cambridge, corn dealer.

*At the County Court of Carnarvonshire, at CARNARVON, Dec. 20 at 11.*

*Hugh Jones*, Carnarvon, fishmonger.

*At the County Court of Gloucestershire, at GLOUCESTER, Jan. 18 at 10.*

*Wm. Henry Lander*, Awre, out of business.

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#### MEETING.

*R. Sykes*, Mirfield, near Dewsbury, Yorkshire, butcher, Dec. 22 at 2, at Sykes's, Bank-buildings, Westgate, Wakefield, Yorkshire, sp. aff.

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# The Jurist

No. 936—VOL. XVIII. DECEMBER 16, 1854.

PRICE 1s.

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## LONDON, DECEMBER 16, 1854.

It has been, perhaps, too hastily assumed that the powers heretofore exercised by Courts of equity in decreasing specific performance of contracts have been conferred, by the Procedure Act of 1854, upon the Courts of common law. The learned Commissioners, upon whose Report the bill was originally framed, had recommended this great innovation, and by many\* it was taken for granted that it was expressed by the 68th section of the statute, whereby the plaintiff in an action may claim a writ of mandamus "commanding the defendant to fulfil any duty in the fulfilment of which the plaintiff is personally interested."

The observations, however, of Messrs. Holland & Chandless, in their able edition of the statute†, tend forcibly to shew that this section will have a much more limited operation. The whole of their note (pp. 243—246) upon this important subject is worth transcribing, but we must content ourselves with presenting a portion of it to our readers.

"The former state of the law of mandamus," they say, "with its defects, and the object and bearing of the improvements intended to be carried out by this

act, have been so clearly pointed out by the Common-law Commissioners in their Second Report, where these improvements are recommended, that we cannot do better than briefly refer to some passages in that Report.

"It is true," say the Commissioners, "that, besides the proceeding by action at law, there exists, in cases where a public inconvenience or private wrong is occasioned by the omission of a public or official duty, or one imposed by act of Parliament for the benefit of individuals, and no sufficient remedy is afforded by action for damages, a process, by writ of mandamus, to compel the performance of the particular duty. This proceeding is not common to all the Courts, but peculiar to the Court of Queen's Bench; and it appears to have been originally confined in its operation to a very limited class of cases affecting the administration of public affairs, such as the election of corporate officers, the restoration of officers improperly removed, the compelling inferior courts to proceed with matters within their jurisdiction, or public officers to perform duties imposed upon them by common law or by statute, as to make a rate, and the like; and there can be little doubt that the extreme hardship arising out of the defect in the law which we have pointed out was one considerable motive for the extension of the remedy, in more recent times, to cases in which the rights of private individuals only were concerned. In the course of modern legislation no session of Parliament occurs in which a great number of acts of Parliament do not pass

\* Among others by the writer of two articles in THE JURIST, (ante, pp. 409, 441).

† "The Common-law Procedure Act, 1854; with Treatises on Injunction and Relief." It also contains a Treatise on Inspection and Discovery, by C. E. Pollock, Esq., Barrister at Law.

for making railways, forming docks, building bridges, improving towns, and an infinite variety of public works, for the most part to be done by joint-stock corporations or companies for the benefit of the shareholders. In almost every act of this kind numerous provisions are to be found which direct that the company shall do certain works for the benefit of individuals, such as making communications between lands intersected by works authorised by the acts, substituting new buildings for others which have been necessarily removed, making roads and communications in lieu of old ones blocked up or injured, and a variety of other works of a similar character. In the event of non-compliance with these enactments, as, indeed, in all cases where the proceeding by mandamus must be resorted to, the remedy is uncertain, tedious, and expensive. . . . .

"In any case where a party has such an interest in the issuing of a mandamus as to be able to maintain an action for damages in case of a false return, or, in other words, wherever any person is interested as a private individual in the performance of any act which may be enforced by mandamus, the latter writ is as much *ex debito justitiæ* as the writ by which, after so much expense and delay, he may now recover damages for a false return.' (Second Report, p. 41).

"We now proceed to consider the language of the sections in this act; and, first, it may be observed generally, that no change has been made in the law of mandamus, but solely in the proceedings to obtain the writ.

"The question will probably be raised, whether, under sect. 68, the Courts have practically the power of enforcing the *specific performance of any contract*; but it is submitted that no such power is given, and that the words 'duty in which' &c. do not include duties resulting from express private contracts between two parties, and for breach of which an action of *tort* lies, (see *Boorman v. Brown*, 3 Q. B. 511), but is confined to another class of cases, where a private wrong is occasioned by the non-fulfilment of some public or official duty, or one imposed by act of Parliament for the benefit of individuals; as, for instance, where a private company, which has the option of taking land, gives a notice under an act of Parliament to treat. This would be held a declaration of their option to take, and a contract of purchase, of which the Court would compel specific performance. (See per Patteson, J., in *Reg. v. The Commissioners of Woods and Forests*, 15 Q. B. 74).

"In confirmation of this view, we may refer to the Report of the Commissioners above cited; and further mention, that a clause expressly empowering Courts of law to grant specific performance of contracts was struck out of this act in the House of Lords, on the ground that it would not be advisable to give the Court such a power. The right, therefore, sought to be enforced, and the duty, in the fulfilment of which the plaintiff is personally 'interested,' remain the same; the same demand and refusal are necessary before commencing the action under the sections as were heretofore required before moving for the rule for a writ of mandamus: and the discretion of the Court in granting or withholding the mandamus has been carefully preserved by sect. 71, which empowers the Court, 'if it shall see fit,' to issue the peremptory writ. The novelties introduced are, that the proceedings for a mandamus to enforce the performance of a duty in which an individual is personally concerned may be commenced in any of the superior courts, and that the

machinery of an ordinary action is to be applied to such proceedings.

"There is, further, a new provision in sect. 74, empowering the Court, besides or instead of proceeding by attachment, to cause the work to be done by the plaintiff or some other person at the expense of the defendant. . . . .

"By sect. 68 it is provided, that the plaintiff in any action in any superior court, except *replevin* and *ejectment*, may proceed for a mandamus. On reading the words, 'in any action,' &c., it might appear at first sight that the mandamus could only be claimed when an action was pending for some cause besides the omission to perform the act sought to be compelled; that is, that no writ could be issued solely for the purpose of claiming a mandamus. But looking to the provision enabling the plaintiff in his declaration to claim the writ separately, if necessary, and to the fact that in many cases no other ground of action would exist, it is apprehended that such a construction would not be put upon the words of this section."

In the New Rules and Forms just issued, (*Reg. Gen., Mich. Vac., 1854*), we observe, that although a form of indorsement for a writ of injunction is given, (Rule 36), there is no form applicable to the writ of mandamus. Perhaps the learned judges were unwilling to put a construction upon this class of sections until compelled to do so.

In connexion with the subject which we have been considering, reference may be made to a decision of the Court of Exchequer, (*The Mines Royal Societies v. Magray*, 18 Jur., part 1, p. 1028), construing the 83rd section of the statute as authorising an equitable defence to be pleaded at law, only where the facts pleaded are such as would entitle the defendant to a *perpetual* injunction in equity to restrain the action.

The defendant sought to plead, "for defence on equitable grounds," to an action by his landlord on a lease for non-payment of rent and non-repair, an agreement between the plaintiff and the defendant that the latter should surrender the tenancy by yielding up that portion of the premises which was in his own occupation, and allowing the plaintiff to receive the rents and profits of the remainder occupied by the tenants of the defendant; that the defendant should pay to the plaintiff a certain sum, and relinquish to him machinery on the premises; and that the lease and counterpart should be delivered up to be cancelled; with an averment of performance on the part of the defendant, and that the action was brought in fraud of such agreement, and that it was entirely the plaintiff's fault that the surrender was not completed. Parke, B., said, "I take it that a defence on equitable grounds, under this statute, means that which in a court of equity would of itself be an actual and complete answer to the case of the other side, so as to afford ground for a perpetual injunction. Now, you could not, in the present state of things, have a perpetual injunction to prevent the plaintiff going on with this action, because it is a principle, that he who applies for equity must do equity. A Court of equity would not prohibit the plaintiffs in this case from suing, except on condition of the defendant executing a legal surrender of the lease, which it would accordingly compel him to do on the one hand, and stay the action on the other. But we cannot do that, for Courts of common law have not the machinery for the purpose. The statute does not say that Courts of common law shall give relief on equitable conditions, but that a plea may be allowed which discloses a defence on equitable grounds." Reference was also made by the Court to sect. 86, whereby it is provided, that if "the equitable plea or replication cannot be dealt with by a Court of law, so as to do justice between the parties," it may be struck out; and the Court refused to allow the plea.

## ADMIRALTY PRIZE COURT.

By an Order in Council, dated the 11th December, 1854, and made in pursuance of the stat. 17 & 18 Vict. c. 78, intituled "The Admiralty Court Act, 1854," it is ordered, that from and after the 1st January, 1855, and until her Majesty shall be pleased otherwise to direct, the fees in the annexed schedule, marked from No. 1 to No. 73 inclusive, shall be substituted in lieu of the fees now payable to the judge, registrar, merchants, and marshal of the High Court of Admiralty of England, and which, under the provisions of the act of the 3 & 4 Vict. c. 66, are now carried to the Fee Fund of the said court.

And her Majesty is further pleased, by and with the advice of her Privy Council, to order, and it is hereby ordered, that all the said fees, numbered from No. 1 to No. 73 inclusive, shall, from the day aforesaid, be collected by means of stamps, whether adhesive or affixed, and under such regulations as the judge of the said court shall direct.

And her Majesty is also further pleased to order, and it is hereby ordered, that the fees in the annexed schedule, marked from No. 74 to No. 76 inclusive, shall, from the said 1st January, 1855, be payable to the Seal Keeper of the said court, in lieu of the fees now payable to him in respect of that office.

And her Majesty is also pleased to order, and it is hereby ordered, that in lieu of the fees now payable to the crier of the said court, there shall, from the day aforesaid, be payable to him a uniform fee of 5s. on every interlocutory decree, sentence, or motion in court, to be paid by the party in whose favour such decree or sentence has been given, or by whom such motion has been made.

Whereof the judge, registrar, and other officers of the said court, the Commissioners of Inland Revenue, and all others whom it may concern, are to take notice, and to govern themselves accordingly.

WM. L. BATHURST.

## TABLE OF THE FEES

TO BE RECEIVED IN THE HIGH COURT OF ADMIRALTY OF ENGLAND IN INSTANCE AND PRIZE PROCEEDINGS.

*Fees payable to the Fee Fund, including those of the Judge, Registrar, Merchants, and Marshal. £ s. d.*

1. Entering action .....	0	5	0
2. Subducing action .....	0	2	6
3. Warrant of arrest .....	0	10	0
4. Entering caveat against issue of warrant .....	0	2	6
5. Marshal arresting a vessel, or vessel and goods, if in London or in the river Thames and above Blackwall .....	1	0	0
6. Ditto, ditto, if at or below Blackwall .....	2	0	0
7. Ditto, ditto, at any outport, if effected by a substitute of the marshal .....	2	0	0
8. Ditto, ditto, at any outport, if required to attend personally, besides travelling expenses, per day .....	2	0	0
9. Possession of a vessel, or vessel and cargo, for a day and a night, exclusive of any sum that may be paid to a shipkeeper, should such be required .....	0	2	6
10. Marshal inquiring and certifying the sufficiency of sureties .....	0	10	0
11. Bail bond .....	0	7	6
12. Affidavit of justification .....	0	2	6
13. Release .....	0	5	0
14. Supersedeas .....	0	15	0
15. Restitution of vessel and goods .....	1	0	0
16. Minute in court .....	0	2	6
17. Minute in chambers, including registrar's attendance .....	0	5	0
18. Examination of a witness in open court .....	0	10	0
19. Filing any plea, proof, or other document, save an exhibit .....	0	5	0
20. Filing exhibits, if not exceeding ten, for each exhibit .....	0	1	0

21. Ditto, ditto, if exceeding ten, but not exceeding twenty .....	0	10	0
22. Ditto, ditto, if exceeding twenty, but not exceeding fifty .....	0	15	0
23. Ditto, ditto, if exceeding fifty, but not exceeding one hundred .....	1	0	0
24. Ditto, ditto, if exceeding one hundred, for every fifty, or part thereof, additional .....	0	10	0
25. Monition, decree, commission, or requisition ..	1	0	0
26. Compulsory or subpoena .....	0	10	0
27. Attachment .....	1	0	0
28. Marshal executing any monition, decree, compulsory, or attachment, or arresting proceeds or freight, if in the profession .....	0	5	0
29. Ditto, ditto, if on the Royal Exchange, exclusive of a charge of 1l. 1s. by the Royal Exchange authorities .....	0	10	0
30. Ditto, ditto, if out of the profession, but within five miles of Doctors' Commons, including expenses .....	1	0	0
31. Ditto, ditto, if beyond five miles, besides 1s. per mile travelling expenses, per day .....	2	0	0
32. Marshal executing decree of unelivery, of appraisement, or of sale, attending, appointing, and swearing appraiser, or delivering a ship and stores to the purchaser, agreeably to the inventory, if within five miles of Doctors' Commons ..	1	0	0
33. If beyond that distance, besides 1s. per mile for travelling expenses, per day .....	2	0	0
34. Marshal attending unelivery of cargo, or sale of ship or goods by auction, besides travelling expenses, if in the country, per day .....	2	0	0
35. Letter to the Trinity House, or to any Government office, or to any person, if at the request of only one party in the cause, including messenger ..	0	10	0
36. Ditto, ditto, if at the request of both parties in the cause, to each party .....	0	5	0
37. Setting out the proceedings in a cause or motion, from each party thereto .....	0	5	0
38. Primum decretum .....	1	0	0
39. Interlocutory decree or sentence, from each party ..	1	0	0
40. Office copy of any document in the English language, per sheet, not exceeding ten folios ....	0	5	0
41. Office copy of papers in a foreign language, or of short-hand writer's transcript of notes, or of abstract or translations made in the registry, (besides the charges of the copyist, short-hand writer, or translator, to be paid by the person on whose behalf the same is made), per sheet, not exceeding ten folios .....	0	10	0
42. Exemplification of a sentence or other matter, including the cost of parchment or paper, per skin or sheet, not exceeding twenty-five folios ..	2	0	0
43. Fee on reference to be paid by the party applying for the same .....	5	5	0
44. Merchant's fee on reference, each merchant, to be paid by the party applying for the same ....	5	5	0
45. In reference cases of small value, half fees.			
46. In reference cases of great intricacy, double fees.			
47. Drawing and ingrossing report, and schedule annexed thereto .....	1	0	0
48. Taxing bill of costs, per sheet, not exceeding ten folios, from each party .....	0	5	0
49. Ditto, ditto, if only one party .....	0	10	0
50. Search of records, if by a proctor, by a party in a pending cause, or by a seaman .....			NIL
51. By any person other than a proctor, if the cause has been terminated within the last five years ..	0	2	6
52. If beyond that time .....	0	5	0
53. Attendance at the Bank to receive dividends, transfer, sell, or purchase stock or Exchequer Bills, or convert bills of exchange for suitors ..	1	0	0
54. Attendance out of the profession, besides 1s. per mile for travelling expenses, per day .....	1	0	0
55. Entering caveat in the ledger .....	0	2	6
56. Subducing the same .....	0	2	6
57. Receipt for original documents, or for money ..	0	2	6
58. Poundage on money paid out of the registry, or on proceeds paid to the Naval Prize Account, for every sum not exceeding 50l. ....	0	5	0
59. For every sum above 50l. and not exceeding 100l. ....	0	10	0

60. For every sum above 100 <i>l.</i> and not exceeding 200 <i>l.</i> .....	1	0	0
61. For every additional 100 <i>l.</i> or part thereof .....	0	10	0
62. Fee on the proceeds of any ship, vessel, or goods sold under the decree of the Court, if the same do not exceed 50 <i>l.</i> .....	0	10	0
63. Exceeding 50 <i>l.</i> , but not exceeding 100 <i>l.</i> .....	1	0	0
64. For every additional 50 <i>l.</i> or part thereof .....	0	10	0
65. Standing commission for the examination of witnesses in Prize Causes, including copies of the instructions for the execution thereof, and of the interrogatories to be administered .....	5	0	0
66. Any subsequent standing commission for the same port, for each commissioner or actuary not named in the previous commission .....	2	0	0
67. Every substitution to the actuary made otherwise than on the standing commission .....	1	0	0
68. Patent for a vice-admiral, commissary, deputy, or judge (exclusive of the stamp duty, if any) ..	5	0	0
69. Ditto for an advocate in a Vice-Admiralty Court, or registrar or marshal in such court (ditto) ..	2	10	0
70. Appointment of a coroner .....	2	0	0
71. Registering power of attorney generally, and copy thereof for Somerset House .....	1	10	0
72. Registering ditto specially .....	0	10	0
73. Duplicates of all instruments the same as for the original.			
<i>Seal Keeper's Fees.</i>			
74. For affixing the great seal of the court to any instrument .....	0	1	0
75. For affixing the small seal of the court to any instrument .....	0	0	6
76. For affixing the seal to patents, same fees as heretofore.			
<i>Crier's Fees.</i>			
77. For every interlocutory decree, sentence, or motion in court, to be paid by the party in whose favour such decree or sentence is given, or by whom such motion is made .....	0	5	0

### COURT OF PASSAGE, LIVERPOOL.

By an Order in Council, dated the 27th November, 1854, and published in the London Gazette of the 5th December, 1854, it is ordered, that within one month after such publication, all the provisions of the Common-law Procedure Act, 1854, (except such as are contained in the sections of the said act numbered respectively 2, 17, 34 to 43, both inclusive, 75, 76, 77, 95, 97 to 102, both inclusive, and 104 to 107, both inclusive), shall extend and apply to the Court of Record of the borough of Liverpool, called "The Court of Passage."

And it is further ordered, that all the powers or duties exercisable by the court or a judge under any of the sections of the said Common-law Procedure Act, 1854, hereby extended and applied to the said Court of Passage, shall, as regards matters and proceedings therein, be exercisable and exercised by the court or assessor; that all the powers or duties exercisable by a Master under any of the sections of the said act as aforesaid shall, as regards matters and proceedings in the said court, be exercisable and exercised by the registrar of the court or his deputy; and that the powers or duties exercisable by a sheriff under any of the sections of the said act as aforesaid shall, as regards matters and proceedings in the said court, be exercisable and exercised, within the jurisdiction of the said court, by the serjeant-at-mace of the said borough of Liverpool.

### London Gazettes.

FRIDAY, DECEMBER 8.

#### BANKRUPTS.

WILLIAM WINDER, Haymarket, Middlesex, tavern keeper, dealer and chapman, Dec. 19 at half-past 1, and Jan. 18 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Smith, 5, Southampton-buildings, Holborn.—Petition filed Nov. 27.

WILLIAM HUDSON, Church-street, Hackney, Middlesex, grocer, dealer and chapman, Dec. 14 at 2, and Jan. 16 at 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Barron, 15, Old Jewry-chambers.—Petition filed Dec. 5.

BENJAMIN BATLEY, Kingland-road, Middlesex, corn dealer, trader, dealer and chapman, Dec. 14 at 11, and Jan. 16 at half-past 11, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Willoughby & Cox, Clifford's-inn.—Petition filed Dec. 2.

JOHN YOUNG and JASPER YOUNG, Broad-st., Cheap-side, London, warehousemen and commission agents, (trading under the firm of J. Young & Co.), Dec. 14 at 12, and Jan. 11 at half-past 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Reed & Co., Friday-st., Cheap-side.—Petition filed Dec. 7.

JOHN FRISBY BENTLEY, Salby, near Welford, Northamptonshire, coal merchant, Dec. 18 at 2, and Jan. 24 at half-past 11, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Chilton & Co., 7, Chancery-lane.—Petition dated Nov. 22.

STEPHEN EASTWOOD, Gray's-place, Mile-end-road, Mile-end Old-town, Middlesex, licensed victualler, dealer and chapman, Dec. 15 and Jan. 24 at 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Hodgson, Arbour-square, Stepney.—Petition dated Dec. 1.

GEORGE BETHELL, Welstead's-yard, Seymour-place, Bryanstone-square, Middlesex, smith and engineer, dealer and chapman, Dec. 19 at 12, and Jan. 23 at 1, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Abrahams, 23, Southampton-buildings, Chancery-lane.—Petition filed Dec. 7.

HENRY BROWN, Marden, Kent, potter, dealer and chapman, Dec. 21 at 1, and Jan. 23 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Marten & Co., Mincing-lane, London.—Petition filed Nov. 28.

ERASMUS BOND, Wharf-road, City-road, and Angel-terrace, River-lane, Islington, Middlesex, soda-water manufacturer, Dec. 20 at 12, and Jan. 17 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Lawrance & Co., Old Jewry-chambers, City.—Petition filed Nov. 28.

JOSEPH FULFORD, Birmingham, maltster, and Great Barr, Staffordshire, maltster and cattle dealer, Dec. 20 and Jan. 15 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Hawkes, Birmingham.—Petition dated Dec. 7.

JOHN HENRY GOODERE, Merthyr Tydvil, Glamorgan-shire, scrivener, dealer and chapman, Dec. 20 and Jan. 19 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Bevan & Girling, Bristol.—Petition filed Dec. 5.

WILLIAM STEEDS, Evercreech, Somersetshire, tallow chandler, grocer, dealer and chapman, Dec. 19 and Jan. 16 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Nalder, Shepton Mallet, Somersetshire; Edwards & Nalder, Bristol.—Petition filed Nov. 30.

RICHARD DERBYSHIRE, Liverpool, merchant, (trading under the style or firm of Wilson & Derbyshire), Dec. 20 and Jan. 10 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sol. Yates, jun., Liverpool.—Petition filed Dec. 6.

#### MEETINGS.

Richard Hadland, St. Helen's, Lancashire, glass manufacturer, Dec. 20 at 11, District Court of Bankruptcy, Liverpool, pr. d.—Philip Rimer, Gravesend, Kent, cigar merchant, Dec. 21 at 11, Court of Bankruptcy, London, last ex.—James Turner, High-st., Whitechapel, and John's-row, St. Luke's, Middlesex, cheesemonger, Dec. 18 at 12, Court of Bankruptcy, London, last ex.—Charles Warwick, Manchester, commission agent, Dec. 21 at 11, District Court of Bankruptcy, Manchester, last ex.—Joseph Smith and Ralph Simpson, Burnley, Lancashire, ironfounders, Dec. 21 at 12, District Court of Bankruptcy, Manchester, last ex.—Wm. Henry B. Hawes, Strand, Middlesex, chemist, Dec. 20 at half-past 12, Court of Bankruptcy, London, and ac.—Edward Hewkins, Ponsonby-street, Westminster, builder, Dec. 19 at half-past 12, Court of Bankruptcy, London, and ac.—Harry Woolbridge, Strand, Middlesex, publisher, Dec. 28 at 12, Court of Bankruptcy, London, and ac.—W. Moss, Liverpool, cabinet maker, Dec. 18 at 11, District Court of Bankruptcy, Liverpool, and ac.—Samuel Bell, Liverpool, confectioner, Dec. 18



at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Thomas Parker*, Southport, hotel keeper, Dec. 18 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Hugh Jones*, Chester, grocer, Dec. 21 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Samuel Routledge*, Huddersfield, Yorkshire, dyer, Dec. 18 at half-past 11, District Court of Bankruptcy, Leeds, aud. ac.—*Richard Wilson* and *John S. Wilson*, Kingston-upon-Hull, stonemasons, Dec. 20 at 12, District Court of Bankruptcy, Kingston-upon-Hull, aud. ac.—*George Jones*, Baker-street, Lloyd-square, St. James's, Clerkenwell, Middlesex, manufacturing jeweller, Jan. 4 at half-past 12, Court of Bankruptcy, London, div.—*Evans B. Meredith*, Bread-street, Cheapside, London, furriers, Jan. 11 at 11, Court of Bankruptcy, London, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Joseph Cawley*, Michael's-place, Brompton, Middlesex, upholsterer, Jan. 2 at 1, Court of Bankruptcy, London.—*R. Dean*, Bath-street, London-road, Southwark, Surrey, dealer and chapman, Jan. 4 at half-past 11, Court of Bankruptcy, London.—*William G. Still*, Wellclose-square, St. George's-in-the-East, Middlesex, glass merchant, Jan. 4 at 11, Court of Bankruptcy, London.—*James Ward*, Jermyn-street, St. James's, Westminster, Middlesex, licensed victualler, Dec. 30 at 12, Court of Bankruptcy, London.—*Edward Kegg*, Liverpool, Lancashire, and Birkenhead, Cheshire, coal dealer, Dec. 29 at 11, District Court of Bankruptcy, Liverpool.—*Richard Gay*, Leeds, Yorkshire, ware grinder, Jan. 9 at 12, District Court of Bankruptcy, Leeds.

*To be granted, unless an appeal be duly entered.*

*Alfred H. Edgley*, Botesdale, Suffolk, innkeeper.—*Thomas G. Curtis*, Oxford-street, Middlesex, licensed victualler.—*J. Sanders*, Bishop's Stortford, Hertfordshire, confectioner.—*Alexander Smith*, Liverpool, merchant.—*John Thornley*, Bolton-le-Moors, Lancashire, drysalter.

#### PETITION ANNULLLED.

*B. Woolger* the younger, Beeding, Sussex, wheelwright.

#### SCOTCH SEQUESTRATIONS.

*Andrew D. Thompson*, Glasgow, professor and publisher of music.—*Wm. Simpson*, Smiddy-hill, Kinross, grain miller.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*John Lockett*, Bristol, miner, Dec. 14 at half-past 10, County Court of Gloucestershire, at Bristol.—*Walter Wallers*, Aberdare, Glamorganshire, builder, Dec. 14 at 10, County Court of Glamorganshire, at Merthyr Tydvil.—*John Smith*, Burnley, Lancashire, labourer, Dec. 28 at 11, County Court of Lancashire, at Burnley.—*Henry Slater*, Manchester, retailer of beer, Dec. 30 at 12, County Court of Lancashire, at Manchester.—*Thomas Brennand*, Burnley, Lancashire, confectioner, Dec. 28 at 11, County Court of Lancashire, at Burnley.—*John Winn*, Cardiff, Glamorganshire, commission agent, Dec. 22 at 11, County Court of Glamorganshire, at Cardiff.—*Israel Temple*, Wolverhampton, Staffordshire, in no business, Dec. 19 at 9, County Court of Staffordshire, at Wolverhampton.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Feb. 8 at 11, before Mr. Commissioner PHILLIPS.*

*Robert Hall*, Basing-place, Waterloo-road, Surrey, out of business.—*Wm. Rice*, Henry-street, Pentonville, Middlesex, schoolmaster.—*Henry Woodley*, Waterloo-road, Uxbridge-moor, Middlesex, dealer in hay.—*W. Albert Turton*, Albert-mews, Hoxton Old-town, Middlesex, cabinet manufacturer.—*Geo. Harrod*, Sun-st., North-end, Fulham, Middlesex, buttermaker.—*Edmund Robert Browne*, Queen's-place, Kennington, Surrey, commission agent.—*Wm. Ellery*, Victoria-terrace, Union-road, Horsemonger-lane, Newington, Surrey, model maker.—*Thos. Ascroft*, Victoria-terrace, Queen's-road, Holloway, Middlesex, designer.

*County Court of Lancashire, at Lancaster. Assignees have been appointed in the following Cases:—*

*Edwin Eaton*, Salford, baker, No. 78,913; *Joshua Swallow*

and *Wm. Harding*, assignees.—*James Pickup*, Wood Top, near Burnley, labourer, No. 78,296; *James Byers*, assignee.—*John Dales*, Manchester, joiner, No. 78,932; *James Credland*, assignee.—*James Taylor*, Lancaster, out of business, No. 78,927; *William Heaton*, assignee.—*James Jones*, Openshaw, near Manchester, plumber, No. 78,938; *Chas. Mosley*, assignee.—*L. Harrison*, Blackburn, beer-seller, No. 78,812; *James Cunningham*, assignee.—*John Wensley*, Old Swan, near Liverpool, plasterer, No. 79,054; *William Banks*, assignee.—*Patrick Murphy*, Manchester, general marble mason, No. 78,941; *Thomas Lomas*, assignee.—*David Walker*, Manchester, grocer, No. 79,082; *Thomas Williams*, assignee.—*Wm. Lightbown*, Pickerbank, near Blackburn, out of business, No. 79,073; *Wm. Jardine*, assignee.—*Henry Sagar*, Padham, out of business, No. 78,978; *John Rodham*, assignee.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Lancashire, at LANCASTER, Dec. 22 at 11.*

*Edward Woolman*, Manchester, out of business.—*William Taylor*, Manchester, provision merchant.—*James Fielding*, Salford, out of business.—*William Howard*, Longsight, near Manchester, retail dealer in ale.—*James Graham*, Liverpool, brass founder.—*Wm. Harrison*, Hindley, near Wigan, retail dealer in ale.—*Luke Walker*, Clitheroe, grocer.—*T. Smith*, Preston, nurseryman.—*Peter Richardson*, Hulme, Manchester, out of business.—*James Fearn*, Salford, fruiterer.—*H. Hartley*, Middleton, out of business.—*Wm. Parkinson*, Great Bolton, Bolton-le-Moors, umbrella maker.—*Charles Palmer*, Liverpool, out of business.—*Isaac Williamson*, Leyland, near Preston, stonemason.—*Thos. Webb*, Stoke-upon-Trent, Staffordshire, grocer.—*James Pilling Hopwood*, Old Trafford, near Manchester, commission agent.—*John Harris Picknell*, Bolney, near Cuckfield, Sussex, butcher.—*James Hopkinson*, Bury, stonemason.—*Prescott Corless*, Newtown, near Wigan, out of business.—*Stephen Edmondson*, Farnworth, near Bolton-le-Moors, grocer.—*Seth Gill*, Staleybridge, near Ashton-under-Lyne, joiner.—*John Hamilton*, Hulme, Manchester, bath keeper.—*Robert Scholes*, Bury, plumber.

*At the County Court of Glamorganshire, at CARDIFF, Dec. 22.*

*Lewis Rees*, Aberdare, greengrocer.—*John Daniel*, Merthyr Tydvil, out of business.—*William Davies*, Merthyr Tydvil, grocer.

#### MEETING.

*Charles Clements Brooke*, Sloane-st., Chelsea, Middlesex, captain in the City of London militia, Dec. 22 at 11, at Walker & Harrison's, 5, Southampton-street, Bloomsbury, Middlesex, sp. aff.

TUESDAY, DECEMBER 12.

#### BANKRUPTS.

*WILLIAM JOYCE*, Greenwich, Kent, engineer, shipbuilder, and ironfounder, dealer and chapman, (carrying on business under the style or firm of William Joyce & Co.), Dec. 21 at 11, and Feb. 1 at 2, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Smith, 31, Lincoln's-inn-fields.—Petition filed Dec. 11.

*DANIEL LEFAVOUR*, New Oxford-street, Middlesex, merchant, and importer of American goods, dealer and chapman, Dec. 21 at 2, and Jan. 23 at 1, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Asbursts & Co., 6, Old Jewry, London.—Petition filed Nov. 30.

*FRANCIS KINCH*, Margate, Kent, chemist and druggist, dealer and chapman, Dec. 23 and Jan. 23 at 2, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Buchanan, 1, Guildhall-chambers, Basinghall-street, London.—Petition filed Dec. 9.

*WILLIAM LITTELL TIZARD*, Aldgate High-street, London, mechanical engineer, dealer and chapman, Dec. 21 and Feb. 2 at half-past 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Silvester, 18, Great Dover-street, Newington, Surrey.—Petition filed Dec. 8.

*JAMES NORTON WEEKS*, East Cowes, Isle of Wight, Hampshire, hotel keeper, Dec. 19 and Jan. 23 at 12, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Ley, 44, Lincoln's-inn-fields, London.—Petition filed Dec. 8.

**HENRY CREMER**, Old Broad-street, London, wine merchant, Dec. 20 and Jan. 23 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Pullen, 43, Lime-street, City.—Petition filed Dec. 9.

**ISAAC POTHECARY**, Nutshalling, otherwise Nurling, Southampton, boarding-house keeper and sheep salesman, Dec. 19 at half-past 11, and Jan. 23 at 2, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Reed, 11, Ironmonger-lane, City.—Petition filed Dec. 2.

**ROBERT RUSSELL**, Elgin-road, Notting-hill, Middlesex, builder, dealer and chapman, Dec. 22 at 2, and Jan. 31 at 11, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Patten, 10, Austin-friars, London.—Petition filed Dec. 8.

**THOMAS HEYWOOD**, Wood-street, Cheapside, London, lace warehouseman, (carrying on business with John Heywood, of Melbourne, New South Wales, under the style or firm of Thomas & John Heywood), Dec. 20 at 1, and Jan. 31 at half-past 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Gidley, 1, Guildhall-chambers, London.—Petition dated Dec. 8.

**HENRY MARTYN**, Bishopsgate-street Without, London, woollen warehouseman, dealer and chapman, Dec. 20 at 12, and Jan. 31 at half-past 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Ashurst & Co., 6, Old Jewry, London.—Petition dated Dec. 5.

**JOSIAH OVERBURY**, Nind, and Monk Mills, Wotton-under-Edge, Gloucestershire, cloth manufacturer, dealer and chapman, Dec. 20 at 2, and Jan. 31 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Lawrence & Co., 14, Old Jewry-chambers, London.—Petition dated Dec. 2.

**JOHN BARRINGTON JOYCE**, Burslem, Staffordshire, chemist and druggist, Dec. 22 and Jan. 19 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Lees, Burslem; Hodgson, Birmingham.—Petition dated Dec. 7.

**JOHN BAILEY**, Cannock, Staffordshire, baker, grocer, dealer and chapman, Dec. 23 and Jan. 19 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Duignan & Hemmant, Walsall.—Petition dated Dec. 6.

**JAMES SANDERS**, Darlaston, Staffordshire, ironmonger, dealer and chapman, Dec. 23 and Jan. 19 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Duignan & Hemmant, Walsall; E. & H. Wright, Birmingham.—Petition dated Dec. 8.

**GEORGE DONISTHORPE**, Syston, Leicestershire, grocer and beer-seller, dealer and chapman, Jan. 2 and 16 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. R. & G. Teller, Leicester; James, Birmingham.—Petition dated Dec. 2.

**THOMAS HOLLIER**, Leicester, woolstapler, dealer and chapman, Jan. 2 and 16 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Stone & Paget, Leicester; James, Birmingham.—Petition dated Nov. 29.

**ROBERT BOARD**, Charchingford, Devonshire, blacksmith, dealer and chapman, Dec. 19 and Jan. 18 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Miller, Bristol.—Petition filed Dec. 8.

**EDWARD TREGENZA**, Stockton-on-Tees, Durham, shoe dealer, Dec. 22 and Jan. 16 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Sangster, Leeds; Cariss & Codworth, Leeds; Griffith & Crighton, Newcastle-upon-Tyne.—Petition filed Dec. 2.

**JOHN MARSHALL**, Bradford, Yorkshire, brewer, dealer and chapman, Jan. 8 and 29 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Terry & Watson, Bradford; Bond & Barwick, Leeds.—Petition dated Dec. 6.

**JOHN CARTMELL**, Liverpool, boot and shoe maker, dealer and chapman, Dec. 27 and Jan. 15 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Casnové; Sol. Daly, Liverpool.—Petition filed Dec. 6.

**GEORGE HAWORTH, JOHN WALSH, and THOMAS AINSWORTH**, Over Darwen, Lancashire, power-loom cloth manufacturers, (trading under the style or firm of Haworth, Walsh, & Ainsworth), Dec. 22 and Jan. 12 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Herniman; Sol. Rowley, Manchester.—Petition filed Dec. 2.

**ABRAM HANSON**, Huddersfield, Yorkshire, yarn manufacturer, dealer and chapman, Jan. 8 at 12, and Jan. 29 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Dransfield, Huddersfield; Bond & Barwick, Leeds.—Petition dated Dec. 7.

#### METINGS.

*Thomas Deane*, Blackburn, Lancashire, draper, Dec. 22 at 12, District Court of Bankruptcy, Manchester, last ex.—*Charlotte Eleanor Short*, Woodend, Cheshire, calico printer, Jan. 5 at 12, District Court of Bankruptcy, Manchester, and ac.—*Daniel Jones Fynney*, Liverpool, corn merchant, Dec. 22 at 11, District Court of Bankruptcy, Liverpool, and ac.—*John Hughes*, Bangor, Carnarvonshire, innkeeper, Dec. 22 at 11, District Court of Bankruptcy, Liverpool, and ac.—*John Sagar*, Birkenhead, Cheshire, brewer, Dec. 22 at 11, District Court of Bankruptcy, Liverpool, and ac.—*Edward Kegg*, Liverpool, and Birkenhead, Cheshire, coal dealer, Jan. 4 at 11, District Court of Bankruptcy, Liverpool, div.—*Jonathan Smart*, Saffron Walden, Essex, cabinet maker, Jan. 9 at 1, Court of Bankruptcy, London, div.—*John Howard*, Norwich, butcher, Jan. 9 at 1, Court of Bankruptcy, London, div.—*John Adams*, Longton, Staffordshire, china manufacturer, Jan. 6 at 12, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES.

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Wm. Andrew Meyer*, Dartford, Kent, licensed victualler, Jan. 5 at 12, Court of Bankruptcy, London.—*Abraham Davis*, Tottenham-court-road, Middlesex, hardwareman, Jan. 9 at 1, Court of Bankruptcy, London.—*Ebenezer Heath*, Bridge-house-place, Newington-causeway, Surrey, leather seller, Jan. 3 at half-past 12, Court of Bankruptcy, London.—*Daniel Longdin*, Manchester, ironfounder, Jan. 12 at 12, District Court of Bankruptcy, Manchester.—*Lambert Tatley*, New Hall Mills, Ince, near Wigan, Lancashire, cotton spinner, Jan. 11 at 12, District Court of Bankruptcy, Manchester.—*Joseph Brooks*, Salford, Lancashire, grocer, Jan. 5 at 12, District Court of Bankruptcy, Manchester.—*Samuel Bell*, Liverpool, confectioner, Jan. 4 at 11, District Court of Bankruptcy, Liverpool.—*Robt. Getty*, Liverpool, shipbuilder, Jan. 4 at 11, District Court of Bankruptcy, Liverpool.—*Robert Wrightson*, Liverpool, metal broker, Jan. 4 at 12, District Court of Bankruptcy, Liverpool.—*John Fiskwood*, Birmingham, brass candlestick manufacturer, Jan. 11 at half-past 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an Appeal be duly entered.*

*Thomas Skenton*, Bethnal-green-road, Middlesex, grocer.—*James Maynard*, Queen's-road West, Chelsea, Middlesex, butcher.—*James David Jones and Charles Gold*, Cheapside, London, eating-house keepers.—*William Hunter*, Rainford, Lancashire, manager of a quarry.—*W. Jones*, Liverpool, shipwright.—*A. Burrows*, Mile-end, near Stockport, Cheshire, silk manufacturer.—*George E. Tovey*, Evesham, Worcestershire, innkeeper.

#### PETITIONS ANNULLED.

*James Surman*, New Hampton, Middlesex, market gardener.—*John Pollard*, South Cerney, Gloucestershire, miller.—*James Brown*, Leeds, Yorkshire, flax spinner.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Robert Edwards*, Liverpool, eating-house keeper, Dec. 18 at 10, County Court of Lancashire, at Liverpool.—*Wm. F. Pugh*, Egham, Surrey, beer-house keeper, Jan. 3 at 12, County Court of Surrey, at Chertsey.—*Charles May*, Bath, Somersetshire, out of business, Jan. 6 at 11, County Court of Somersetshire, at Bath.—*Henry Jennings the younger*, Ryde, Newchurch, Isle of Wight, Hampshire, shoemaker, Dec. 29 at 10, County Court of Hampshire, at Newport.—*Richard Kent*, Brighton, Sussex, shoemaker, Dec. 30 at 10, County Court of Sussex, at Brighton.—*Thomas Chapman*, Brighton, Sussex, shoeing smith, Dec. 30 at 10, County Court of Sussex, at Brighton.—*Thomas K. Kirby*, Brighton, Sussex, mail contractor, Dec. 30 at 10, County Court of Sussex, at Brighton.—*Henry Hill*, Steyning, Sussex, out of employ, Dec. 16 at 10, County Court of Sussex, at Brighton.—*George Savage*, Halifax, Yorkshire, fishmonger, Dec. 29 at 10, County

Court of Yorkshire, at Halifax.—*James Gibson*, Halifax, Yorkshire, contractor, Dec. 29 at 10, County Court of Yorkshire, at Halifax.—*Wm. Newton*, Halifax, Yorkshire, lodging-house keeper, Dec. 29 at 10, County Court of Yorkshire, at Halifax.—*James Bedford*, Elland, Halifax, Yorkshire, woollen manufacturer, Dec. 29 at 10, County Court of Yorkshire, at Halifax.—*John Shaw*, Halifax, Yorkshire, blacksmith, Dec. 29 at 10, County Court of Yorkshire, at Halifax.

*Saturday, Dec. 9.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Joshua Kidd*, Liverpool, ship-store dealer, No. 78,819 C.; *Thomas Ellis*, assignee.—*John Stanley*, Kenilworth, Warwickshire, grocer, No. 28,693 C.; *J. Loveitt*, new assignee; *J. Barston*, late assignee, deceased.—*Edward Callow*, Lewisham, Kent, patentee and manufacturer of blasting powder, No. 64,592 T.; *Patrick Clark*, assignee.—*Joseph White*, Clare-street, Clare-market, Middlesex, tobaccoist, No. 64,682 T.; *E. Jonas*, assignee.

*Saturday, Dec. 9.*

*Orders have been made, vesting in the Provisional Assignees the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Wm. Morgan*, Park-place, Highbury-vale, Middlesex, agent to the Star Packet Company; in the Debtors Prison for London and Middlesex.—*Edwin Jewitt*, Priory-street, Camden-town, Middlesex, engraver on wood: in the Debtors Prison for London and Middlesex.—*William Skinner* the younger, Upper Whitecross-st., St. Luke's, Middlesex, cheesemonger: in the Debtors Prison for London and Middlesex.—*Joseph Sherwood*, Bute-street, Old Brompton, Middlesex, painter: in the Debtors Prison for London and Middlesex.—*William Englis*, John-street, Fitzroy-square, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*George Hinwood*, Little Ormond-yard, Queen-square, Middlesex, assistant to a licensed victualler: in the Queen's Prison.—*David Rames*, Dunstable, Bedfordshire, straw plait dealer: in the Queen's Prison.—*Henry Moon*, High-street, Southwark, Surrey, out of business: in the Gaol of Surrey.—*Francis Fisher*, Portman-place, Edgeware-road, Middlesex, clockmaker: in the Debtors Prison for London and Middlesex.—*Samuel Marks*, Bedfordbury, Strand, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Joseph Mash*, Upper Charlotte-street, Fitzroy-square, Middlesex, coal dealer: in the Debtors Prison for London and Middlesex.—*Mary Ann Rose*, widow, York-street, City-road, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Richard Stanley*, Cowley-place, Commercial-road, Peckham, Surrey, blacksmith: in the Gaol of Surrey.—*Thomas A. Gay*, Southampton-buildings, Holborn, Middlesex, law stationer: in the Debtors Prison for London and Middlesex.—*G. R. Layburn*, Sidney-terrace, Marlborough-road, Chelsea, Middlesex, stable keeper: in the Debtors Prison for London and Middlesex.—*James Fearn*, Salford, Lancashire, fruiterer: in the Gaol of Lancaster.—*James Myers*, Manchester, horse dealer: in the Gaol of Lancaster.—*Henry Ascott*, Harrow-road, Paddington, Middlesex, eating-house keeper: in the Gaol of Dover.—*Benjamin Hammond*, Kidderminster, Worcestershire, carrier's clerk: in the Gaol of Worcester.—*James Pilling Hopwood*, Old Trafford, near Manchester, commission agent: in the Gaol of Lancaster.—*James Fielding*, Salford, Lancashire, out of business: in the Gaol of Lancaster.—*Jos. Baster*, Blackburn, Lancashire, out of business: in the Gaol of Lancaster.—*John Haylock Robinson*, Holywell-st., St. Leonards, Shore-ditch, Middlesex, baker: in the Gaol of Dover.—*Wm. Higgett*, Kirkdale, Lancashire, farmer: in the Gaol of Lancaster.—*Robert Scholes*, Bury, Lancashire, plumber: in the Gaol of Lancaster.—*John Barker York*, Hulme, Manchester, bricklayer: in the Gaol of Lancaster.—*Seth Gill*, Staley-bridge, near Ashton-under-Lyne, Lancashire, joiner: in the Gaol of Lancaster.—*John Hamilton*, Hulme, Lancashire, medical botanist: in the Gaol of Lancaster.—*William Taylor*, Manchester, provision merchant: in the Gaol of Lancaster.—*Edward Woolman*, Pendleton, Lancashire, out of business: in the Gaol of Lancaster.—*Wm. Harrison*, Hindley, near Wigan, Lancashire, builder: in the Gaol of Lancaster.—*Luke Walker*, Clitheroe, Lancashire, grocer: in the Gaol of Lancaster.—*J. Liversay*, Salford, Lancashire, licensed victualler:

in the Gaol of Lancaster.—*Wm. Hicks*, St. Eval, Cornwall, out of business: in the Gaol of Bodmin.—*Edward Baker*, Edward-street, Balsall-street, Worcestershire, out of business: in the Gaol of Warwick.—*Benjamin Vialls*, Cambridge, out of business: in the Gaol of Cambridge.—*John Bradbury*, Birmingham, out of business: in the Gaol of Warwick.—*Wm. Harrison*, Longsight, near Manchester, joiner: in the Gaol of Lancaster.—*Wm. Arnold*, Bacton, near Fressingham, Suffolk, veterinary surgeon: in the Gaol of Ipswich.—*Kemble Weeding*, Eye, Suffolk, yeoman: in the Gaol of Ipswich.—*John Nightingale*, Fillongley, Warwickshire, farmer: in the Gaol of Warwick.—*Thomas Price*, Pill, Easton-in-Gordano, Somersetshire, licensed victualler: in the Gaol of Bristol.—*Samuel Hall*, Chorlton-on-Medlock, Manchester, soda-water manufacturer: in the Gaol of Manchester.—*Henry Whalley*, Chitterne All Saints, Wiltshire, baker: in the Gaol of Fisherton Anger.—*James Cordingley*, Wakefield, Yorkshire, iron-founder: in the Gaol of York.—*James Scott*, Blackburn, Lancashire, retail dealer in ale: in the Gaol of Lancaster.—*Wm. Duckworth*, Huntley Brook, near Bury, Lancashire, hat manufacturer: in the Gaol of Lancaster.—*Edward Skyrme* the elder, Llanarthan, Marshfield, Monmouthshire, farm bailiff: in the Gaol of Monmouth.—*Wm. Chadwick*, Manchester, out of business: in the Gaol of Lancaster.—*Wm. Waine Benson*, Preston, Lancashire, out of business: in the Gaol of Lancaster.—*Wm. Morewood*, Macclesfield, Cheshire, coach builder: in the Gaol of Lancaster.—*Thos. Wareham*, Wolstanton, Staffordshire, collier: in the Gaol of Stafford.—*John Jackson*, Kingston-upon-Hull, beer-house keeper: in the Gaol of Kingston-upon-Hull.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Sussex, at LEWES, Dec. 26.*

*Thomas Cowdrey*, Brighton, tobaccoist.

*At the County Court of Kent, at DOVER, Jan. 12 at 11.*

*John Haylock Robinson*, Dover, baker.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Thomas Strickland*, Preston, Lancashire, beer seller: 19s. 0½d. in the pound.—*John Belsham*, Edgeware-road, Middlesex, shoemaker: 6½d. in the pound.—*Robert Welsh*, Wellington, Shropshire, draper: 1s. 6½d. (making 2s. 11½d.) in the pound.—*Thomas Gimson*, Erith, Kent, carpenter: 6s. 7d. in the pound.—*Mary Sophia Pointon*, widow, Wilson-st., Deptford, Kent: 4s. in the pound.—*C. F. Turner*, Devonport, Devonshire, pursuer in her Majesty's Royal Navy: 1s. 3½d. in the pound.—*Jane Bright*, spinster, Northumberland-st., Strand, Middlesex: 20s. in the pound.—*R. Bonser*, Manchester, baker: 3s. 6d. in the pound.—*Humphrey Wolferstan*, Steyning, Sussex, chemist: 2s. 0½d. in the pound.—*William Roberts*, Chalfield, Gloucestershire, out of business: 3s. in the pound.—*Henry Byron*, Graham-st., Pimlico, Middlesex, secretary to the Society for the Protection of Agriculture: 2s. 6½d. (making 5s. 3d.) in the pound.—*C. Woodall*, Selby, Yorkshire, printer: 3s. 2d. in the pound.

*Apply at the Provisional Assignees' Office, Portugal-street, Lincoln's-inn, London, between the hours of 11 and 3.*

#### MEETINGS.

*Francis Jay*, Great Yarmouth, Norfolk, bkr, Dec. 27 at 12, Crown and Anchor Tavern, Great Yarmouth, sp. aff.

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# The Jurist

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PRICE 1s.

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LONDON, DECEMBER 23, 1854.

THE important question whether the "cost-book principle" is legally applicable to companies established in this country for the working of mines situate abroad, though often mooted, has not yet been judicially decided. In *practice*, however, it has been thus extended, and several English companies are now engaged in mining operations in Australia upon the "cost-book principle."

The weight of argument and of opinion is, we think, in favour of such practice, and the only objection which we have heard against it is, that the "cost-book principle" is a local custom, confined to one or two counties in England having now or at some former time a Court of Stannaries, possessing the peculiar machinery required for the management of companies formed upon this principle.

In order fully to test the truth of the premises, and the weight of the conclusion involved in this proposition, we will examine the nature of the companies in question.

A mining company in itself is a peculiar partnership, being for the purpose of working that which is a species of real estate; and it is considered as a trading partnership only for the purposes of convenience and management. A mining company on the "cost-book

principle" is probably the oldest form of partnership known to the law, and may be defined as a partnership for the purposes of mining, the conditions whereof are contained in a book called "the cost-book." The "principle" itself is not very easily defined, at all events in a few words, and it will probably be better understood by a description of the book. The "cost-book" contains the regulations by which the mining concern is to be carried on, the names of the shareholders or adventurers, the number of shares held by them respectively, and the accounts of the purser with the adventurers. He enters in it the receipt and expenditure for a given time—generally a month; a balance is then struck, and a meeting held, at which the accounts are passed, and a call made or a dividend paid. At these meetings further resolutions are come to, if necessary, relative to the working of the mine, the forfeiture of shares, &c. Transfers of shares must also be entered in the cost-book, and may be in the following simple form:—"A. B. has assigned to C. D. — shares for a valuable consideration."

If the cost-book contains regulations with respect to the non-payment of calls, they should be followed; if it does not, the purser files a petition against the shareholder in the Stannary Court. By the custom of the stannaries, it is said that persons supplying goods to, and all labourers on, the mine, have a right

theation on the ores, materials, and machinery. (See Wordsworth on Mining, Banking, Insurance, and General Joint-stock Companies, 198—205, 8th ed.) One characteristic of such a company is, that it has no directing body, but the mine is managed by the purser. It has been held in one case, that, inter se, the shareholders may get rid of their shares and liabilities without the consent of the other partners; but this proceeded upon the construction of the regulations in the book, and therefore would have been the same with regard to any other company founded on similar conditions. (*Fenn's case*, 22 L. J., Ch., 692).

The "cost-book principle" has been adopted for many years, not only in Cornwall, but also in Devonshire and Derbyshire. In Devonshire the customs of the miners are almost the same as those which prevail among the Cornish miners. In Spain and in Germany (except in the Rhenish Provinces) this "principle" is acted upon. (See Wordsworth, 196, note (2)).

The only Stannary Court now existing is in Cornwall, which is of remote origin, being mentioned in a charter of King John; such a tribunal once existed also in Devonshire, but has fallen into desuetude. It does not appear that there was ever a Stannary Court in Derbyshire.

These "courts by custom, confirmed by charter and act of Parliament," (Preface to Pearce's Laws and Customs of the Stannaries, are now regulated by stat. 6 & 7 Will. 4, c. 106, amended by the 2 & 3 Vict. c. 58.

By the former statute, after reciting the existence "throughout the stannaries of Cornwall of a court in which the vice-warden has, in certain cases wherein tin or tinnars, or matters connected with tin, are concerned, exercised original equitable jurisdiction;" and of a court called the Steward's Court, and in which the steward of the stannaries has, in similar cases, exercised a common-law jurisdiction, and the jurisdiction so exercised by both has been confined to matters wherein tin or tinnars are concerned; and that "in late times, lead, copper, and other metals and metallic minerals than tin had been discovered in the county of Cornwall;" it is then enacted, that the court of equity of the vice-warden shall be united with the common-law court of the steward\*, and the two thus combined are to be held before the vice-warden; and the jurisdiction of the Court is extended over all minerals in the stannaries. (Sects. 4, 6). The Court is to have jurisdiction throughout Cornwall, and to be a court of record. (Sect. 21). Nothing contained in the act is to extend to the county of Devon, or the stannaries in the said county. (Sect. 44). The remaining sections simply regulate the procedure in the court, except the 18th section, whereby the vice-warden, decessing the payment of money in respect of the working of or providing goods for any mine from a shareholder, may order his share, or so much thereof as is necessary, to be sold.

There can be no doubt that the "cost-book principle" is lawful in this country—at all events, as a local custom; it has been so recognised not only by the above acts, but also by the 7 & 8 Vict. c. 110, s. 63, whereby that statute is declared not to extend to any "partnership formed for the working of mines, minerals, and quarries, of what nature soever, on the principle commonly called the 'cost-book principle.'" So, by the Winding-up Act of 1849, (12 & 13 Vict. c. 108, s. 1), it is provided, that "nothing herein contained shall affect the jurisdiction of the Court of Stannaries in Cornwall, or extend to any partnership formed for the working of mines on the cost-book principle within the said stannaries and jurisdiction of the said court, unless the owners of one-tenth in value of the shares

petition the Lord Chancellor," &c. Indeed, if the custom had been contrary to law, it would have been void as a local custom.

If, then, as we are warranted in assuming, this is a legal basis for the constitution of a mining company, and if there be nothing illegal in its characteristics, why should it be confined within territorial boundaries? The subject-matter on which it operates is not limited to this country, much less to Cornwall; and why may not the same principle be applied to identically the same objects, wherever they may exist? There is no statute giving only a local application to the "cost-book principle." The exception in the Joint-stock Companies Act has no words of locality. The Winding-up Act of 1849 implies that it may exist, as de facto it does exist, out of Cornwall. It is, we submit, a common-law right, which cannot be abridged except by the express words of a statute. That there are peculiar mining customs and a Court of Stannaries in Cornwall does not affect this question, which is as to the legality of the mode of constituting a mining company. We may also observe that such companies established in Wales (*Fenn's case*, supra; and see *Curling v. Flight*, 12 Jur., part 1, p. 91) and in Ireland (see *Tapping's Treatise on the Cost-book*, 7) have been wound up in the Court of Chancery without objection, and that the opinions of text-writers upon the subject are in favour of the view which we have suggested\*.

If the view which we venture to suggest on this subject be correct, it may undoubtedly in many instances be advantageous to mining companies, wherever their "locus in quo" may be, to adopt the "cost-book principle," in order to save the great inconvenience and expense of registration under the Joint-stock Companies Act. On the other hand, it should not be forgotten that there are certain privileges conferred by that statute, such as incorporation of the company by complete registration, and the incidents attached to such incorporation, which can be obtained only by submitting to the obligations imposed by the statute.

### London Gazette.

FRIDAY, DECEMBER 15.

#### BANKRUPTS.

DANIEL LEFAVOUR, New Oxford-street, Middlesex, merchant and importer of American goods, dealer and chapman, Dec. 21 at 2, and Jan. 22 at 1, Court of Bankruptcy, London: Off. Ass. Edwards, (and not Lee, as advertised in last Tuesday's Gazette); Sols. Ashurst & Co., 6, Old Jewry, London.—Petition filed Nov. 30.

WILLIAM BOYCE the elder, Dover, Kent, innkeeper, dealer and chapman, Dec. 26 at 12, and Jan. 23 at 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Monckton, Maidstone, Kent; Blackman & Guy, 1, Raymond-buildings, Gray's-inn, London.—Petition filed Dec. 5.

DAVID LEWIS and BARNARD WISE, Ann's-place, Westmoreland-road, Walworth, Surrey, tinnars and curriers, (trading under the style or firm of Lewis & Wise), Dec. 26 at half-past 2, and Jan. 29 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Freeman & Bothamley, 39, Coleman-street, London.—Petition filed Dec. 4.

ROBERT WARNER, West-street, Commercial-road, Finsbury, Middlesex, wheelwright, Dec. 26 at 1, and Jan. 30 at 12, Court of Bankruptcy, London: Off. Ass. Lee; Sol. Sidney, 50, Lincoln's-inn-fields, London.—Petition filed Dec. 12.

GEORGE ADAMSON, West-street, Victoria-park, Bethnal-green, Middlesex, carpenter and builder, Dec. 26 and Jan. 30 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Jones, 9, Quality-court, Chancery-lane, London.—Petition filed Dec. 12.

\* Thus the "fusion" quietly took place in Cornwall in 1836.

\* See Wordsworth's able arguments upon this side of the question in the book above quoted, pp. 193 et seq.

**FREDERICK FUTVOYE**, Regent-street and Beak-street, Westminster, Middlesex, jeweller and dressing-case maker, dealer and chapman, Dec. 26 at 2, and Jan. 30 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Hornby & Towgood, 31, St. Swinham's-lane, London.—Petition filed Dec. 6.

**JAMES PIGG**, Waterhouse, Cambridgeshire, grocer and draper, dealer and chapman, Dec. 22 at half-past 1, and Jan. 24 at 2, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Adcock, Cambridge; Kingsford & Dorman, 23, Essex-street, Strand, London.—Petition filed Dec. 4.

**CHARLES JAMES CHEATLEY ELKINGTON**, Hall-street, City-road, Middlesex, electro-plate manufacturer, Dec. 22 at 1, and Jan. 23 at 2, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Russell & Burgon, Martin's-lane, Cannon-street, City.—Petition filed Dec. 4.

**WALTER KEEN**, Hungerford, Berkshire, hay dealer, dealer and chapman, Dec. 22 at 12, and Jan. 23 at half-past 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Loveland & Tweed, 64, Lincoln's-inn-fields, London.—Petition filed Dec. 13.

**GEORGE RUDD WAISTELL**, Noble-street, Wood-street, London, commission agent, dealer and chapman, Dec. 22 at 12, and Jan. 24 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Sole & Co., 68, Aldermanbury, London.—Petition filed Dec. 6.

**SAMUEL MANNING**, Cornwall-road, Hammersmith, Middlesex, builder, dealer and chapman, Dec. 22 and Jan. 24 at 2, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Reynolds, 67, Chancery-lane, London.—Petition filed Dec. 14.

**GEORGE CLIMANCE**, St. Alban's, Hertfordshire, baker and corn dealer, Dec. 22 and Jan. 24 at 2, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Simpson, St. Alban's; Croxley & Burn, Lombard-street, London.—Petition filed Dec. 9.

**WILLIAM BROWN**, Great Russell-street, Covent-garden, Middlesex, linendraper, dealer and chapman, Dec. 21 at half-past 12, and Jan. 23 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Jones, Sise-lane, London.—Petition filed Dec. 13.

**JOHN TREGENZA**, Oxford-street, Middlesex, boot and shoe manufacturer, Dec. 21 at half-past 1, and Jan. 25 at 2, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Loveland & Tweed, 64, Lincoln's-inn-fields.—Petition filed Dec. 12.

**HENRY TYLER**, Victoria-street, Westminster, Middlesex, victualler and builder, Dec. 21 at 2, and Jan. 23 at 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Parnell & Williams, 34, New Broad-street, London.—Petition filed Dec. 6.

**JAMES BAYLIS**, formerly of Luton, Bedfordshire, afterwards of Norwich, late of Tottenham, Middlesex, and now of Whitecross-street Prison, London, craps dresser, dyer, and finisher, Dec. 23 at half-past 1, and Feb. 3 at 12, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Weeks, 8, Walbrook-buildings, London.—Petition dated Dec. 11.

**FREDERICK COKER**, Hackney-road, Middlesex, stationer, dealer and chapman, Dec. 22 at 2, and Feb. 3 at half-past 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Phillips, 54, Coleman-street, City.—Petition dated Dec. 13.

**EDWARD HANDLEY**, King William-street, Strand, Middlesex, licensed victualler, dealer and chapman, Dec. 21 at half-past 1, and Feb. 2 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Philp, 26, Bucklersbury, London.—Petition filed Dec. 14.

**ANN WILKINSON**, Creemore, Ellesmere, Shropshire, innkeeper, Jan. 6 and 26 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Wace, Shrewsbury; Motteram & Knight, Birmingham.—Petition dated Nov. 24.

**THOMAS HUTCHINGS** and **WILLIAM HUTCHINGS**, Taunton, Somersetshire, curriers, saddlers, and harness makers, Dec. 21 and Jan. 18 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Channing, Taunton; Stogdon, Exeter.—Petition filed Dec. 12.

**JOHN RICHARDSON**, Chesterfield, Derbyshire, draper, Dec. 30 and Jan. 27 at 12, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sols. Woods & Jackson, Rochdale; Barr & Nelson, Leeds.—Petition dated Dec. 11.

**ANDREW WILSON**, Manchester, timber merchant, joiner, and packing-case maker, dealer and chapman, Jan. 9 and 29 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Bunting & Co., Manchester.—Petition filed Dec. 11.

#### MEETINGS.

*John R. Hobson and Stephen Froud*, Orchard-st., Alfred-road, Harrow-road, Paddington, Middlesex, builders, Jan. 11 at 11, Court of Bankruptcy, London, last ex.—*James Lawerton and James Galsworthy*, Queen's-road, Peckham, Surrey, builders, Jan. 5 at 11, Court of Bankruptcy, London, last ex.—*Abraham Davis*, Tottenham-court-road, Middlesex, hardwareman, Jan. 9 at 1, Court of Bankruptcy, London, and ac.—*Charles Lovell*, Wisbeach St. Peter, Cambridgeshire, shoe manufacturer, Dec. 28 at 11, Court of Bankruptcy, London, and ac.—*William A. Meyer*, Dartford, Kent, licensed victualler, Jan. 5 at 12, Court of Bankruptcy, London, and ac.—*Wm. B. Mitcalfe*, Taunton-place, Regent's-park, Middlesex, dealer in mining shares, Jan. 5 at half-past 12, Court of Bankruptcy, London, and ac.—*Robert Doak*, Hanover-place, Kew, Surrey, draper, Jan. 5 at 2, Court of Bankruptcy, London, and ac.—*William G. SHU*, Wellecome-square, St. George's-in-the-East, Middlesex, glass merchant, Jan. 4 at 11, Court of Bankruptcy, London, and ac.—*Arthur W. Pocock*, Old Jewry, London, coffee-house keeper, Jan. 9 at 11, Court of Bankruptcy, London, and ac. and div.—*Wm. Tyzen*, High-street, Marylebone, Middlesex, butcher, Jan. 9 at 1, Court of Bankruptcy, London, and ac. and div.—*Thos. Howard*, Finsbury Wharf, City-road, Middlesex, lime merchant, Jan. 4 at 2, Court of Bankruptcy, London, and ac.—*Jonathan Higginson and Richard Deane*, Liverpool, Dec. 28 at 11, District Court of Bankruptcy, Liverpool, and ac. sep. est. of *Richard Deane*.—*Wm. Ormerod Bradshaw*, Bolton-le-Moors, Lancashire, builder, Jan. 15 at 12, District Court of Bankruptcy, Manchester, and ac.; Jan. 22 at 12, div.—*James Ratcliff*, Nottingham, hosier, Jan. 9 at 10, District Court of Bankruptcy, Nottingham, and ac.—*Tryphena Taylor*, Derby, innkeeper, Jan. 9 at 10, District Court of Bankruptcy, Nottingham, and ac.—*Oliver Appleton*, Leicester, trimmer, Jan. 9 at 10, District Court of Bankruptcy, Nottingham, and ac.—*Wm. Whitehead and Mary Ann Whitehead*, Leicester, innkeepers, Jan. 9 at 10, District Court of Bankruptcy, Birmingham, and ac.—*Richard Jackson and Richard Yale*, Leeds, Yorkshire, engineers, Dec. 28 at 11, District Court of Bankruptcy, Leeds, and ac.—*Thos. Frudd*, Barnsley, Yorkshire, innkeeper, Jan. 27 at 11, District Court of Bankruptcy, Leeds, and ac.; at half-past 10, div.—*James Bickerton*, Castle-st., Southwark, Surrey, hat manufacturer, Jan. 5 at 2, Court of Bankruptcy, London, div.—*James W. Hendy*, Portsmouth, Southampton, builder, Jan. 6 at 1, Court of Bankruptcy, London, div.—*James Young*, *Thos. Bracken*, *Geo. Ballard*, *Jas. Charles Colebrook Sutherland*, and *Nathaniel Alexander*, Calcutta, East Indies, merchants, Jan. 5 at 1, Court of Bankruptcy, London, div.—*Geo. Bowley Medley and W. Adam*, Highbury-park, North Islington, Middlesex, and Great Tower-street, and *Lloyd's Coffee-house*, London, underwriters, Jan. 6 at half-past 11, Court of Bankruptcy, London, div. joint est., and div. sep. est. of *Geo. Bowley Medley*.—*Thos. John Halloway*, Salisbury, Wiltshire, rope manufacturer, Jan. 6 at half-past 1, Court of Bankruptcy, London, div.—*William Henry Wearn*, Southsea, Portsea, Southampton, grocer, Jan. 6 at 11, Court of Bankruptcy, London, div.—*Nathaniel Birkett Gibbs*, Connaught-terrace, Edgeware-road, Middlesex, chemist, Jan. 5 at half-past 1, Court of Bankruptcy, London, div.—*Wm. Ivory*, Norwich, Norfolk, wholesale grocer, Jan. 6 at 2, Court of Bankruptcy, London, div.—*Thos. Squire*, Grosvenor-mews, Bond-street, Middlesex, coach builder, Jan. 6 at 2, Court of Bankruptcy, London, div.—*William Miller*, Dorking, Surrey, auctioneer, Jan. 5 at 1, Court of Bankruptcy, London, div.

#### CERTIFICATES

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Wm. Tyson*, High-street, Marylebone, Middlesex, butcher, Jan. 9 at 1, Court of Bankruptcy, London.—*A. Wellington Pocock*, Old Jewry, London, coffee-house keeper, Jan. 9 at 11, Court of Bankruptcy, London.—*George Boes*, Brighton, Sussex, livery-stable keeper, Jan. 16 at 1, Court of Bankruptcy, London.—*W. Heave*, Lambeth, Surrey, brickmaker, Jan. 11 at 11, Court of Bankruptcy, London.—*Thomas F.*



*Goodger*, Mason's-hill, Bromley, Kent, coach proprietor, Jan. 6 at 11, Court of Bankruptcy, London.—*Chas. Lord*, Fleet-street, London, tailor, Jan. 5 at half-past 12, Court of Bankruptcy, London.—*Henry Coltman*, Sandgate, Kent, grocer, Jan. 6 at half-past 11, Court of Bankruptcy, London.—*John Humphrey*, Dorking, Surrey, butcher, Jan. 6 at 11, Court of Bankruptcy, London.—*T. Allison Readwin*, Great Winchester-street, London, dealer in shares, Jan. 5 at half-past 1, Court of Bankruptcy, London.—*J. Sellick*, Colerne, Wiltshire, and Bristol, paper maker, Jan. 16 at 11, District Court of Bankruptcy, Bristol.—*Simeon Pitman*, Walcot, Bath, Somersetshire, carpenter, Jan. 12 at 11, District Court of Bankruptcy, Bristol.—*James Ratcliff*, Nottingham, hosier, Jan. 9 at 10, District Court of Bankruptcy, Nottingham.—*David Scott*, Manchester, pork butcher, Jan. 15 at 12, District Court of Bankruptcy, Manchester.—*Walter Graham*, Blackburn, Lancashire, draper, Jan. 9 at 12, District Court of Bankruptcy, Manchester.—*Joseph Robinson*, Nantwich, Cheshire, tinman, Jan. 5 at 11, District Court of Bankruptcy, Liverpool.

*To be granted, unless an Appeal be duly entered.*

*John Paterson Waterson*, Alexander-terrace, Westbourne-park-road, Paddington, Middlesex, builder.—*Frederick Kershaw*, Sheffield, Yorkshire, builder.

#### SCOTCH SEQUESTRATIONS.

*Thomas Whitelaw*, jun., Airdrie, painter.—*George Blackwood*, Carronshore, farrier.—*Thomas Thorburn*, Glasgow, merchant.—*Alexander Palmer Macewen*, Edinburgh, banker.—*Wm. Murdoch & Co.*, Glasgow, painters.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Thomas Tuffnell*, Luton, Bedfordshire, straw-plait dealer, Dec. 22 at 11, County Court of Bedfordshire, at Luton.—*J. Taylor Cawdell*, Luton, Bedfordshire, saddler, Dec. 22 at 11, County Court of Bedfordshire, at Luton.—*Heyworth Raby*, Rochdale, Lancashire, beerseller, Dec. 28 at 12, County Court of Lancashire, at Rochdale.—*John Thompson*, Barnsley, Yorkshire, photographic artist, Jan. 5 at 12, County Court of Yorkshire, at Barnsley.—*John Jennings*, Coleford, Colebrook, Devonshire, baker, Jan. 1 at 10, County Court of Devonshire, at Crediton.—*T. Roberts*, Abergel, Denbighshire, carpenter, Jan. 13 at 11, County Court of Flintshire, at St. Asaph.—*James Powell*, Aberkenig, Newcastle Higher, Glamorganshire, beer-house keeper, Dec. 20 at 10, County Court of Glamorganshire, at Bridgend.—*Wm. Horne*, Levensbulem, Lancashire, beer-house keeper, Dec. 30 at 10, County Court of Lancashire, at Manchester.—*Henry Grundy*, Ashby-de-la-Zouch, Leicestershire, currier, Jan. 9 at 10, County Court of Leicestershire, at Ashby-de-la-Zouch.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Jan. 3 at 10, before the CHIEF COMMISSIONER.*

*Caroline Hobday*, widow, Woolwich, Kent, tallow chandler.—*Thos. Armitage*, Holmes-buildings, London-wall, and Little Bell-alley, Coleman-street, London, bootmaker.—*John Barmore*, Friendly-place, White Horse-lane, Stepney, Middlesex, out of business.—*Alfred Sait*, Croydon, Surrey, trainer.—*J. Henry Leverton*, High-street, Poplar, Middlesex, auctioneer.—*Harriot Ratcliff*, Brunswick-terrace, East-lane, Walworth, Surrey, out of business.—*Edmond Hardwick*, Esher-street, Lower Kennington-lane, Surrey, gasfitter.

*Jan. 5 at 10, before the CHIEF COMMISSIONER.*

*Thomas Young*, Pownall-terrace, Pownall-road, Dalston, Middlesex, wholesale milliner.—*Gilbert Smith*, Churton-st., Vauxhall-road, Pimlico, Middlesex, dealer in precious stones.—*Benjamin Archer*, Swinton-street, Gray's-inn-road, Middlesex, plumber.—*Edward Peacock*, West-place, Islington-green, Middlesex, wheelwright.—*Thos. Legge*, Prince's-road, Notting-hill, Middlesex, haberdasher.—*Thomas Horton*, Calcutta-place, East India-road, Middlesex, grocer.

*Feb. 14 at 10, before Mr. Commissioner MURPHY.*

*Wm. Twiss*, New-street, Long-walk, Bermondsey, Surrey, soapboiler.—*Wm. Lee*, Gun-square, Houndsditch, London,

builder.—*Thomas Thorne*, Prospect-place, Upper Sydenham, Kent, out of business.—*Henry Herriott* the younger, Crawford-street, St. Marylebone, Middlesex, shopman to a shoe-maker.—*Thomas Allen*, Dock-street, Whitechapel, Middlesex, carpenter.—*James Edward Morrice*, Seething-lane, Tower-street, London, cheesemonger.—*Julius Henochberg*, King-street, Covent-garden, Middlesex, leather seller.—*Edward Webster Metcalf*, Shaftesbury-street, Hoxton, Middlesex, plumber.—*Robert Combes*, Buttealand-street, Hoxton New-town, Middlesex, out of business.—*G. Norton*, Paynton-street, Hainsty-road, Poplar, Middlesex, shipowner's clerk.—*Charles Miller*, Woolwich, Kent, barman to a victualler.

*Feb. 15 at 11, before Mr. Commissioner PHILLIPS.*

*John Edwards*, Russell-street, Brixton-road, Surrey, cabriolet proprietor.—*Robt. Innes*, Clifton-st., Finsbury-square, Middlesex, not in any business.—*Wm. Marr Murray*, Cop-pice-row, Clerkenwell, Middlesex, microscope maker.—*Geo. Hall*, Great James-street, Hoxton, Middlesex, baker.—*Thos. Rose*, Lisson-grove, Marylebone, Middlesex, stonemason.—*John Jones*, Margarita-terrace, Oakley-street, Chelsea, Middlesex, clerk to an architect.—*Thos. Glasbrook*, Brompton-row, Brompton, Middlesex, hairdresser.—*David Thomas*, Myddleton-street, Clerkenwell, Middlesex, wholesale milliner.—*Thomas Edmund Whitney*, Binglefield-street, Caledonian-road, King's-cross, Middlesex, assistant to a patent medicine manufacturer.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Jan. 1 at 11, before the CHIEF COMMISSIONER.*

*John Sore*, Kingswood-place, South Lambeth, Surrey, out of business.—*John Ablett*, Monkwell-street, London, warehouseman.—*John Bull*, Vere-street, New Bond-street, Middlesex, not in any business.—*Nicholas Smith*, St. Matthias-road, Stoke Newington-green, Middlesex, baker.

*Jan. 1 at 11, before Mr. Commissioner PHILLIPS.*

*Thomas Madder*, Lambeth-walk, Lambeth, Surrey, grocer.—*R. Brown*, Springfield-villas, Kilburn, Middlesex, builder.—*Chas. W. Manby*, Castle-street, Holborn, and Grove-villas, Church-end, Finchley, Middlesex, music-seller.—*John Ensor Pople*, Pomona-place, Parson's-green, Fulham, Middlesex, out of business.—*Charles Felix Jaques*, Sydney-square, Mile-end, Middlesex, waiter at a tavern.

*Jan. 1 at 10, before Mr. Commissioner MURPHY.*

*George Jeffereys*, Rochester, Kent, commercial traveller.—*Philip Marks*, Princes-street, Rotherhithe, Surrey, out of business.—*J. Freeman*, London-street, Tottenham-court-road, and Upper Gower-mews, Torrington-square, Middlesex, cow-keeper.—*Jacob Moncar*, Holly-street, Dalston, Middlesex, baker.—*George Guyer*, Upper Carlisle-street, Maida-hill, Middlesex, baker.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Cambridgeshire, at CAMBRIDGE, Dec. 30 at 10.*

*Benjamin Vialls*, Cambridge, out of business.—*Wm. King*, Horseheath, blacksmith.

*At the County Court of Lincolnshire, at LINCOLN, Jan. 2 at 12.*

*Wm. Hickling* the elder, Crowland, farmer.

*At the County Court of Gloucestershire, at BRISTOL, Jan. 11 at half-past 10.*

*Robert Howard*, Bristol, retailer of beer.

#### TUESDAY, DECEMBER 19.

##### BANKRUPTS.

*JOSHUA VINES* and *JAMES SMITH*, Dover-road, Borough, Surrey, builders and estate agents, Dec. 28 at half-past 12, and Jan. 30 at 11, Court of Bankruptcy, London: Off. Ass. Bell; Sol. Hall, Moorgate-street.—Petition filed Dec. 15.

*GEORGE WILSON* and *WILLIAM RAYNHAM*, Walmer-road, Notting-hill, Middlesex, builders, contractors, dealers and chapmen, Dec. 30 and Feb. 10 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Ruahbury, 2, Surrey-street, Strand.—Petition dated Dec. 13.

**JOSEPH LOUGH**, Great Queen-street, Lincoln's-inn-fields, Middlesex, blacking manufacturer, and **JOHN JAMES LIMBEER**, St. James's-street, Middlesex, bootmaker, surviving partner of George Hoby, deceased, (carrying on the business of bootmakers and blacking manufacturers, under the style or firm of Hoby & Co.), Dec. 30 at 11, and Feb. 10 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. C. & J. Allen & Sons, 17, Carliale-street, London.—Petition dated Dec. 9.

**JOSEPH GIBB**, Blue Lion-yard, Upper North-place, Gray's-inn-road, Middlesex, livery-stable keeper, dealer and chapman, Jan. 2 at 1, and Feb. 2 at 11, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Young & Plaws, 29, Mark-lane, London.—Petition filed Dec. 7.

**CHARLES MUSKETT**, Diss, Norfolk, chemist and druggist, Jan. 2 at 2, and Feb. 2 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Cream, Eye, Suffolk; Utton, 44, Noble-street, Cheapside, London.—Petition filed Dec. 18.

**JOHN PETER WHITE**, Mark-lane, London, merchant, dealer and chapman, Dec. 27 at half-past 2, and Jan. 31 at 2, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Crowder & Maynard, Coleman-street, City.—Petition filed Dec. 6.

**JABEZ COOPER**, Blackbeath, Rowley Regis, Staffordshire, linen-draper, haberdasher, hosier, and lace-man, Jan. 3 and 24 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Prescott, Stourbridge; Motteram & Knight, Birmingham.—Petition dated Dec. 14.

**FREDERICK REEVES BARRATT**, late of West Deeping, now of Stamford, Lincolnshire, music-seller, dealer and chapman, Jan. 2 and Feb. 6 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Law, Stamford; Hodgson, Birmingham.—Petition dated Dec. 6.

**ROBERT WILSON WYLLIE**, St. Leonard, Devonshire, late of Exeter, flax scutcher, and dealer in music and musical instruments, Dec. 28 and Jan. 24 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Bishop & Pitts, Exeter.—Petition filed Dec. 14.

**JONATHAN WRIGHT, WILLIAM WRIGHT, and LUP-TON WRIGHT**, Oxenhope, near Keighley, Yorkshire, worsted spinners, dealers and chapmen, (carrying on business under the style or firm of Jonathan Wright & Brothers), Dec. 29 and Jan. 26 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Wavell & Co., Halifax.—Petition dated Nov. 28.

**WILLIAM ALLAWAY**, Southport, Lancashire, dentist, dealer and chapman, Jan. 4 and 22 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sol. Dodge, Liverpool.—Petition filed Dec. 14.

**JAMES SOTHERN TONGE**, Liverpool, commission agent, dealer and chapman, Dec. 29 and Jan. 19 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sol. Roby, Liverpool.—Petition filed Dec. 15.

**WILLIAM YATES**, Liverpool, cotton broker, salt agent, dealer and chapman, Dec. 29 and Jan. 19 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Evans & Son, Liverpool.—Petition filed Dec. 11.

**BETTY BARON, HENRY WILLIAM KNOWLES, and JAMES HEYWORTH**, Bacup, Lancashire, manufacturers, Dec. 19 and Jan. 17 (and not 14, as previously advertised) at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Rowley & Son, Manchester.—Petition filed Nov. 24.

**JOHN FLETCHER**, Unsworth Mill, near Bury, and Manchester, cotton manufacturer, dealer and chapman, (carrying on business with George Freeman, under the style or firm of Fletcher, Freeman, & Co.), Jan. 10 and 31 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. T. A. & J. Grundy, Manchester.—Petition filed Dec. 15.

#### MEETINGS.

**Ebenezer K. M. Griffiths**, Cornelius P. Newcombe, and Francis T. Griffiths, Gracechurch-street, London, and Liverpool, shipowners, Jan. 3 at half-past 2, Court of Bankruptcy, London, last ex.—**George Tennant**, Market-st., Westminster, Middlesex, licensed victualler, Dec. 30 at half-past 1, Court of Bankruptcy, London, last ex.—**J. Ker**, Gloucester, draper, Jan. 4 at 11, District Court of Bankruptcy, Bristol, aud. ac.; Jan. 11 at 11, div.—**James Frame**, Liverpool, stationer, Dec. 29 at 11, District Court of Bankruptcy, Liverpool, aud. ac.;

Jan. 10 at 11, div.—**Richard Battersby** and **James Telford**, Liverpool, ironfounders, Dec. 29 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—**Joseph C. Gummer**, Hart-street, Mark-lane, London, wine merchant, Jan. 10 at 1, Court of Bankruptcy, London, div.—**Charles John Webb**, Leadenhall-street, London, silversmith, Jan. 9 at 12, Court of Bankruptcy, London, fin. div.—**Thomas Burton**, Commercial-road, Lambeth, Surrey, builder, Jan. 10 at half-past 1, Court of Bankruptcy, London, fin. div.—**Horatio Clagett**, Leadenhall-street, London, patent ocean float manufacturer, Jan. 12 at 11, Court of Bankruptcy, London, div.—**William West**, London-terrace, Hackney-road, Middlesex, linen-draper, Jan. 16 at 2, Court of Bankruptcy, London, div.—**Charles John Darkin Campbell**, College-street, Camden-town, and John-street, Adelphi, Middlesex, and Bolton-terrace, Edward-street, Walworth, Surrey, builder, Jan. 16 at 2, Court of Bankruptcy, London, div.—**Benjamin Bunting** the elder, **Benjamin Bunting** the younger, and **Robert Durrant**, Norwich, tallowchandlers, Jan. 12 at half-past 12, Court of Bankruptcy, London, div.—**Melchor Lopez**, Fenchurch-street, London, and Oxford, cigar merchant, Jan. 12 at 12, Court of Bankruptcy, London, div.—**Henry Heylyn** and **Jacob Connop**, Coleman-st., London, and Old Ford, Middlesex, dyers, Jan. 12 at half-past 12, Court of Bankruptcy, London, fin. div.—**J. Willox**, Broadway, Westminster, Middlesex, cheesemonger, Jan. 12 at half-past 11, Court of Bankruptcy, London, div.—**Wm. G. Trangmar** and **John Trangmar**, Brighton and Shoreham, Sussex, grocers, Jan. 12 at 12, Court of Bankruptcy, London, div. sep. est. of **Wm. G. Trangmar**.—**Wm. Paton**, Bread-street, London, warehouseman, Jan. 12 at half-past 1, Court of Bankruptcy, London, div.—**Bodham Butler Wisker**, Castle-street, Holborn, London, tailor, Jan. 12 at half-past 11, Court of Bankruptcy, London, div.—**James Russell**, Chichester, cabinet maker, Jan. 12 at 2, Court of Bankruptcy, London, div.—**Charles Bullon**, Holborn-bars, London, operative chemist, Jan. 12 at 11, Court of Bankruptcy, London, div.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

**Richard Clark** and **John Inglis**, King's-cross, Middlesex, drapers, Jan. 10 at 2, Court of Bankruptcy, London.—**Henry Jannings**, Laurie-terrace, Westminster-road, Surrey, iron-monger, Jan. 10 at 12, Court of Bankruptcy, London.—**Wm. C. Eaton**, Upper Thames-street, London, flour wharfinger, Jan. 10 at half-past 12, Court of Bankruptcy, London.—**Wm. Y. Ball**, Wood-street, Cheapside, London, and Holland-street, Blackfriars-road, Surrey, wholesale glover, Jan. 12 at 11, Court of Bankruptcy, London.—**Hugh Hart**, Hulme, Lancashire, timber merchant, Jan. 9 at 12, District Court of Bankruptcy, Manchester.—**Thomas Lightfoot**, Stockport, Cheshire, grocer, Jan. 10 at 12, District Court of Bankruptcy, Manchester.—**John Harvey** the elder and **Godfrey G. Pike**, Birmingham, grocer, Jan. 11 at half-past 10, District Court of Bankruptcy, Birmingham.—**Thomas Chapman**, Leicester, worsted spinner, Jan. 16 at 10, District Court of Bankruptcy, Nottingham.—**Rowland Bosworth**, Leicester, oil merchant, Jan. 16 at 10, District Court of Bankruptcy, Nottingham.—**Joseph Greenstreet**, Leicester, commission agent, Jan. 16 at 10, District Court of Bankruptcy, Nottingham.—**John Hucknall**, Nottingham, grocer, Jan. 16 at 10, District Court of Bankruptcy, Nottingham.

To be granted, unless an appeal be duly entered.

**Wm. H. Frearson**, Wood-street, Cheapside, London, and West Ham, Essex, sewing cotton manufacturer.—**John D. Humphreys**, New Wharf-road, Caledonian-road, Middlesex, engineer.—**Charles Hickman**, High-road, Knightsbridge, Middlesex, licensed victualler.—**Stephen Cooper**, Lyndhurst-villas, Lyndhurst-road, Peckham, Surrey, carpenter.—**Joseph Peers**, Ruthin, Denbighshire, scrivener.—**Emma Steele Foulgham**, Burton Joyce, Nottinghamshire, braud manufacturer.—**Joseph Whitmore**, Leicester, woolstapler.—**John Moats** the elder, Spalding, Lincolnshire, coal merchant.—**John Chaplin** and **Robert Wigley**, Leicester, carriers.—**John Mills**, Leeds, Yorkshire, printer.

#### SCOTCH SEQUESTRATIONS.

**Thomas Waddell**, Gartcraig, Lanarkshire, contractor.—**C. Staples**, Glasgow, wine merchant.—**James Herbertson and Brothers**, Glasgow, builders.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*Joseph Rumsey*, Croes-y-Cellog, Llanvrechva Lower, Monmouthshire, agent to a maltster, Jan. 11 at 10, County Court of Monmouthshire, at Pontypool.—*Roger Dunphy*, Gamealey, Glossop, Derbyshire, machine printer, Jan. 10 at 12, County Court of Derbyshire, at Glossop.—*Thos. Simpson*, Thurnby, Leicestershire, out of business, Jan. 10 at 10, County Court of Leicestershire, at Leicester.—*William Wells* the younger, Leicester, grocer, Jan. 10 at 10, County Court of Leicestershire, at Leicester.—*Thomas Cooke*, Frocksfield, Hampshire, out of business, Jan. 3 at 11, County Court of Hampshire, at Petersfield.

*The following Person, who, on his Petition filed in the Court, has obtained an Interim Order for Protection from Process, is required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Adjourned Hearing.*

Jan. 4 at 11, before Mr. Commissioner PHILLIPS.

*Wm. A. Surth*, Lewisham, Kent, tailor.

Saturday, Dec. 16.

*assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's Inn-fields, on giving the Number of the Case.*

*Michael T. Slater*, Henley, Oxfordshire, out of business, No. 78,742 C.; *Joseph Delves*, assignee.—*Thomas Greenwood*, Sowerby, near Halifax, Yorkshire, woollen cloth manufacturer, No. 78,820 C.; *Robert Stansfield*, assignee.—*Abraham Whitehead*, Lee Bank-bottom, Ovenden, Yorkshire, grocer, No. 78,976 C.; *John Feather*, assignee.—*William Porritt*, Gomersall, Yorkshire, agent for the sale of flocks, No. 78,892 C.; *William Lister*, assignee.—*Thomas Bealey*, West Exe, Tiverton, Devonshire, baker, No. 78,985 C.; *J. Wood*, assignee.—*John Spooner*, Worcester, schoolmaster, No. 79,010 C.; *George Pollard*, assignee.—*Joseph Heyworth*, Huddersfield, Yorkshire, dyer, No. 79,031 C.; *J. Sunderland*, assignee.—*Abraham Holt*, Bradford, Yorkshire, brick manufacturer, No. 79,036 C.; *Samuel Webster*, assignee.—*Wm. Ripley*, Halifax, Yorkshire, shoemaker, No. 79,019 C.; *Thomas Clark* and *John Boddy*, assignees.—*Henry Sommers*, Long Stratton, near Norwich, Norfolk, hotel keeper, No. 64,736 T.; *Charles Lowe*, assignee.—*Wm. Joelling*, Bradford, Yorkshire, shoemaker, No. 78,966 C.; *Henry Slee*, assignee.—*Lewis Levy*, Portland-place, Circus-road, St. John's-wood, Middlesex, picture dealer, No. 64,614 T.; *Alexander Honeyman*, assignee.—*Edwin Eaton*, Salford, Lancashire, baker, No. 78,913 C.; *Joshua Swallow* and *Wm. Harding*, assignees.—*Robert Rodwell*, Marsworth, Buckinghamshire, shoemaker, No. 79,087 C.; *William Sharp*, assignee.—*Benjamin Welle*, Bradford, Yorkshire, out of business, No. 79,021 C.; *Jacob Holdsworth*, assignee.—*T. Pennington*, Castleford, Yorkshire, out of business, No. 79,062 C.; *Mark Wright*, assignee.—*J. Yates* the elder, Colton, near Rugelby, Staffordshire, farmer, No. 78,948 C.; *Frederick Crabb*, assignee.—*B. Springall*, Norwich, Norfolk, out of business, No. 78,949 C.; *A. Goose*, assignee.

Saturday, Dec. 16.

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Warwick A. Hunt*, Suffolk-place, Pall-mall, Middlesex, attorney-at-law: in the Gaol of Surrey.—*John Clary*, Bradley-terrace, Wandsworth-road, Surrey, clerk to a brewer: in the Gaol of Surrey.—*S. Atlee*, Oval-cottages, Hackney-road, Middlesex, spinster: in the Debtors Prison for London and Middlesex.—*John Lovell Lawton*, Somerset-street, Portman-square, Middlesex, commission agent: in the Queen's Prison.—*Thomas A. Bugden*, Manor-place, Norwood, Surrey, out of business: in the Debtors Prison for London and Middlesex.—*David Harrow*, Brydges-street, Covent-garden, Middlesex, box maker: in the Debtors Prison for London and Middlesex.—*Wm. Middle*, St. John-street, Clerkenwell, Middlesex, hay and straw salesman: in the Debtors Prison for London and

Middlesex.—*Henry J. Turling*, St. John-street, Clerkenwell, Middlesex, hay and straw salesman: in the Debtors Prison for London and Middlesex.—*Henry Sheltos*, Barking, Essex, smack owner: in the Debtors Prison for London and Middlesex.—*Wm. Pearce*, Old-street-road, Middlesex, retailer of beer: in the Debtors Prison for London and Middlesex.—*Edgar May*, Cowley-place, Commercial-road, Peckham, Surrey, cheesemonger: in the Debtors Prison for London and Middlesex.—*John Heerle*, Tytoburne-street, Regent-street, Middlesex, dentist: in the Debtors Prison for London and Middlesex.—*Thomas Hodges*, Dorset-mews, Dorset-square, Marylebone, Middlesex, tailor: in the Debtors Prison for London and Middlesex.—*J. Holmes*, Brompton-crescent, Brompton, Middlesex, commission agent: in the Queen's Prison.—*Nicholas Carter*, London-wall, London, vellum binder: in the Debtors Prison for London and Middlesex.—*Afred Perry*, Streetley, Berkshire, out of business: in the Queen's Prison.—*Alexander White*, St. Martin's-lane, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*W. Haneock*, Quadrant-road, Highbury New-park, Green-lane, Stoke Newington, Middlesex, builder: in the Debtors Prison for London and Middlesex.—*Alexander Gibbs*, Allsop-terrace, New-road, St. Marylebone, Middlesex, artist in stained glass: in the Debtors Prison for London and Middlesex.—*S. A. Allen*, Manor-place, Waltham, Surrey, coffee-house keeper: in the Gaol of Surrey.—*George Waddington Bristow*, Arbour-square, Commercial-road, East Stoney, Middlesex, gentleman: in the Queen's Prison.—*Wm. Mclan*, Blackfriars-road, Surrey, engineer: in the Queen's Prison.—*Hugh M'Availty*, Town-end, Kingston, Surrey, head-dresser: in the Gaol of Surrey.—*Samuel Varley*, Harp-lane, Tower-street, London, shoemaker: in the Debtors Prison for London and Middlesex.—*J. Neal*, New-road, St. George's-in-the-East, Middlesex, baker: in the Debtors Prison for London and Middlesex.—*William Henry Webster*, Bryan-terrace, Caledonian-road, Islington, Middlesex, painter: in the Debtors Prison for London and Middlesex.—*William Brown*, Clarendon-street, Somers-town, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Robert James Jones*, Albert-terrace, Ball's-pond-road, Islington, Middlesex, warehouseman: in the Debtors Prison for London and Middlesex.—*Thos. Oakman*, Leeds, Yorkshire, commission agent: in the Gaol of York.—*Wm. Richards*, Stourbridge, Worcestershire, engineer: in the Gaol of Worcester.—*Wm. Christmas Mansfield*, Hadley-green, near Barnet, Middlesex, solicitor: in the Gaol of Ipswich.—*Barnabas Barrett*, Ipswich, Suffolk, sculptor: in the Gaol of Ipswich.—*Wm. Brymfi*, Dalverton, Somersetshire, licensed victualler: in the Gaol of Wilton.—*John Bindley*, West-Bromwich, Staffordshire, commercial traveller: in the Gaol of Leicester.—*George Key*, Hulme, Manchester, retail dealer in ale: in the Gaol of Lancaster.—*John Atwell*, Bittern, Hampshire, potato dealer: in the Gaol of Southampton.—*William Robinson Bidson*, Southampton, hatter: in the Gaol of Southampton.—*George James*, Wareham, Dorsetshire, tailor: in the Gaol of Dorchester.—*John Getherd*, Huddersfield, Yorkshire, dyer: in the Gaol of York.—*Thos. Andrews*, Birkenhead, Cheshire, in no business: in the Gaol of Chester.—*Charles Sweet*, Neath, Glamorganshire, shoemaker: in the Gaol of Cardiff.—*Richard Bradley*, Lancaster, beer-seller: in the Gaol of Lancaster.—*James Bell*, Everton, Liverpool, joiner: in the Gaol of Lancaster.—*Robert Boddle*, Eilers Ulverstone, Lancashire, farmer's labourer: in the Gaol of Lancaster.—*Geo. Earle Chambers*, Plymouth, Devonshire, baker: in the Gaol of St. Thomas-the-Apostle.—*Thos. Fletcher*, Herley, near Banbury, Oxfordshire, grocer's assistant: in the Gaol of Oxford.—*Joseph Holton*, North Mimms, Hertfordshire, wheelwright: in the Gaol of Hertford.—*Thos. Knight*, Birmingham, out of business: in the Gaol of Warwick.—*George Scarlett*, Longwood, near Huddersfield, Yorkshire, stone merchant: in the Gaol of York.—*Hugh Shawcroft*, Kirkdale, Lancashire, out of business: in the Gaol of Lancaster.—*Elias Boardman*, Bedford Leigh, near Bolton-le-Moors, Lancashire, joiner: in the Gaol of Lancaster.—*Wm. David*, Treboeth, Llangevnelch, Glamorganshire, copperman: in the Gaol of Cardiff.—*John Stephens*, Plymouth, Devonshire, joiner: in the Gaol of St. Thomas-the-Apostle.—*David Ordway*, Hopwood, near Bury, Lancashire, cotton-waste dealer: in the Gaol of Lancaster.—*Robert Lawson*, Bolton-le-Moors, Lancashire, traveller: in the Gaol of Lancaster.—*Thos. Williams*, Hulme, Manchester, stone-mason: in the Gaol of Lancaster.—*Thomas Wil-*

*Hans, Greenbeys, Manchester, out of business: in the Gaol of Lancaster.—James Casey, Preston, Lancashire, out of business: in the Gaol of Lancaster.—John Watson, Manchester, out of business: in the Gaol of Lancaster.—John G. Bateman, Manchester, bookkeeper: in the Gaol of Lancaster.—W. Brown, Manchester, ivory turner: in the Gaol of Lancaster.—Thos. Salisbury, Prestwich, near Manchester, out of business: in the Gaol of Lancaster.—Thomas Clegg, Heywood, near Bury, Lancashire, cotton-waste dealer: in the Gaol of Lancaster.—William Hunt, Ardwick, Manchester, out of business: in the Gaol of Lancaster.—Wm. Palmer, Castle-gate, York, out of business: in the Gaol of York.—Charles Begg, South Fetherton, Somersetshire, barber: in the Gaol of Wilton.*

*(On Creditors' Petitions).*

*Thomas Sutcliffe, Barrowford, near Burnley, Lancashire, weaver: in the Gaol of Lancaster.—Emmot Sutcliffe, Barrowford, near Burnley, Lancashire, weaver: in the Gaol of Lancaster.*

*The following Prisoner is ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Jan. 3 at 10, before the CHIEF COMMISSIONER.*

*Robert Fuge, St. John-street-road, Clerkenwell, Middlesex, chemist.*

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Cornwall, at BODMIN, Jan. 3 at 10.*

*William Hicks, St. Eval, out of business.*

*At the County Court of Gloucestershire, at BRISTOL, Jan. 11 at half-past 10.*

*William Jelbart Cocking, Bristol, out of business.*

**INSOLVENT DEBTORS' DEBTORS.**

*Thomas Hubbard, Bourn, Cambridgeshire, out of business: 1s. 6d. in the pound.—Thomas Dale, Manchester, tallow chandler: 9d. in the pound.—John Bazeley Forster, Stratford, Essex, retired clerk in the Audit Office, Somerset House: 4s. 8d. (making 11s. 10d.) in the pound.—Augustus Grafton, Sheffield-terrace, Kensington, Middlesex, major on the retired list of the Bombay army: 5s. (making 12s. 9d.) in the pound.—Robert Wilkinson, Russell-terrace, Holland-road, Brixton, Surrey, clerk in her Majesty's Ordnance Office, Pall-mall: 2s. 8d. (making 8s. 7d.) in the pound.—William Barrett, Charrington-street, Oakley-square, St. Pancras, Middlesex, carpenter: 1s. in the pound.—John Johnson, South Shields, Durham, common brewer: 1s. 2d. in the pound.—Patrick Stewart, Acre-lane, West Brixton, Surrey, clerk in the Ordnance Office, Pall-mall: 4s. (making 6s. 9d.) in the pound.—Ann James, Tiddensham, Gloucestershire, in no business: 15s. 9d. in the pound.*

*Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn, London, between the hours of 11 and 3.*

**MEETINGS.**

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# The Jurist

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LONDON, DECEMBER 30, 1854.

MORE than 400 years have elapsed since the passing of the first statute (8 Hen. 6, c. 7) which required voters for members of Parliament to possess a property qualification, and it is remarkable that until last term it had never been clearly decided whether the freehold mentioned in that statute must be *actually* productive of 40s. by the year, or whether it was sufficient that it should be *capable* of producing that amount. It is true that before the year 1843, when the stat. 6 Vict. c. 18, gave an appellate jurisdiction to the Court of Common Pleas over the decisions of revising barristers, this question could not receive a judicial solution; but it must frequently have come incidentally before parliamentary committees, who did not, however, give to it any precise answer. The Court of Common Pleas, under its new powers, had often discussed the amount of "value" necessary for the exercise of the elective franchise, but generally with reference to the deductions that should be made, so as to give 40s. free of all charges. (See *Colvill v. Wood*, 2 C. B. 210; *Coogan v. Luckett*, Id. 182; *Barrow v. Buckmaster*, 12 C. B. 664;

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*Hamilton v. Bass*, Id. 638). Revising barristers themselves differed in opinion upon the subject, and the inquiry, "What is value?" seemed as hard to solve as the celebrated one, "What is a pound?"

Taking an *a priori* common-sense view of the matter, one would have said that the sum which the land was capable of producing annually was its annual value, or, as it has been tersely expressed—

"The value of a thing  
Is just the money it will bring."

A difficulty, however, was supposed to be raised by the stat. 8 Hen. 6, c. 7, requiring the voter to be one that may "expend" 40s. by the year. That statute, which is still the governing one upon the subject, after reciting that the elections of knights of shires "have now of late been made by very great, outrageous, and excessive number of people, . . . of the which most part was of people of small substance and of no value, whereof every of them pretended a voice equivalent as to such elections with the most worthy knights and esquires, whereby manslaughterers, riots, batteries, and divisions among the gentlemen and other people shall very likely rise and be," enacts, that the knights of shires shall be chosen by people "whereof every one of them shall have free land or tenement to the value of 40s. by the year at the least above all charges, . . . and such as have the greatest number of them, that may expend 40s. by the year and above, (qui poient expendre par an. 40s. et outre), as afore is said, shall be returned; . . . and the sheriff shall have to examine upon the Evangelists every such chooser how much he may expend by the year; . . . provided always, that he which cannot expend 40s. by the year as afore is

said shall in nowise be chooser of the knights for the Parliament."

In the case before the Court of Common Pleas\* the claimant had purchased freehold ground, adapted for building purposes, at the price of 150*l.* Whilst in his possession the ground had not been built upon, but had remained unoccupied, uncultivated, and unprofitable. If occupied for any purpose except building, it would not have produced 40*s.* a year; but if let upon a ninety-nine years' lease for building purposes, it was worth a ground-rent of 15*l.* per annum; and a bona fide offer of that rent had been made to the claimant, but refused by him as insufficient. The revising barrister disallowed the claim, upon the grounds that he must look to the actual annual value of the freehold for occupation, as it was at the time of the claim, and not to its prospective or speculative value, nor to the additional annual value which might be created in case the owner should build or (being tenant in fee) should grant a long lease for building thereon. It was contended in support of this view, that improvable property was not to be considered as already improved, and that the present state of the land could alone be taken into account. On the other hand, it was urged, that as the claimant could obtain 40*s.* a year for the land, he could, if he pleased, "expend" that sum within the meaning of the statute; and Serjeant Heywood's Treatise on County Elections, 102*t*, was quoted, where he says, "If lands are let to a person for life, reserving no rent, or less than 40*s.* by the year, the grantor cannot vote during that term; but if such lands are let only for a term of years, *without any rent at all, or reserving rent under 40*s.* per annum*, the grantor may vote in respect of the freehold in him, provided it is of sufficient value." The Court held that the vote was a good vote, inasmuch as the land at the time of the claim was capable of fetching 40*s.* per annum, and that it was immaterial whether it was of such value as agricultural or as building land, or that the landlord would have to do something, namely, to grant a lease, before it would be worth that sum.

There are obvious reasons for arriving at this judgment, independently of those put forward by the Court. A contrary decision would have had the effect of rendering the franchise uncertain and fluctuating; dependent on such questions as whether the property remained unlet for a year, or was let to a solvent tenant; and also of construing strictly, instead of liberally, a statute which was passed in derogation of the unrestrained exercise of the franchise.

We may observe, that the "net annual value," which is defined by the Parochial Assessment Act, 6 & 7 Will. 4, c. 96, as "the rent at which the hereditaments rated to the poor might reasonably be expected to be let from year to year," does not afford a satisfactory criterion of the annual value required for the purposes of voting. The statutes were passed entirely diverso intuitu. (*Cottrill v. Wood*, supra). The poor rate is assessed upon the principle of an annual income; the franchise is intended to be exercised by those who are

supposed to have a substantial interest in the country, whether it actually produces an annual sum of money or not.

With regard to the test of value, it seems to resolve itself into the question, what rent will a solvent tenant give for the land? See the cases above cited; *Blackwell's case*, (2 Lud. 450); *Beamish v. The Overseers of Stoke*, (11 C. B. 29); *Fergusson's case*, (1 Alc. Ir. Reg. Cas. 106); and *Rillett on Parliamentary Qualification*, 37. The statutes bearing on the subject are—8 Hen. 6, c. 7; 10 Hen. 6, c. 2; 18 Geo. 2, c. 18, s. 5; 10 Geo. 4, c. 8, ss. 2, 7; and 2 Will. 4, c. 45, s. 26. The actual rent paid does not necessarily preclude all inquiry into value, as such rent may have been fixed collusively for the purpose of giving a vote.

## Correspondence.

### JUSTICE IN TURKEY.

TO THE EDITOR OF "THE JURIST."

SIR,—I beg to send you an extract from a work lately published on the Turkish Museum, and which appears to have been compiled by one well acquainted with Turkish institutions:—

"All Turkish jurisprudence is based upon two principles, viz. in every case of litigation the testimony of two witnesses is required, or, in case of their non-appearance, an oath is administered to the defendant; but even this mode of justice is never used with impartiality. The judges, being men of low birth and grovelling principles, only hold their offices as sources of personal emolument, and although strictly prohibited by the Koran, they are in the constant habit of receiving bribes to any amount, and the testimony of hired witnesses is winked at by them, and even supported, as their own interest may demand.

"Notwithstanding their pretended adherence to the precepts of their religion, which are held up as barriers to all reform, they are so corrupted, that their consciences are immediately lulled whenever the requisite bribe is slyly slipped under the cushions on which they sit. The only qualification requisite for a witness to appear before these Turkish courts of justice is to be omniscient, and never to utter the words, 'I don't know;' and when conflicting interests occur, which induce the judges to take side against the witnesses, then they adopt a singular method to disqualify their testimony, by putting such questions to them as are entirely irrelevant to the subject, but to which they will be forced at last to answer, 'I don't know.' For they are asked, 'Who was the grandfather of the defendant?' The answer is, 'Abraham.' 'His great-grandfather?'—'Adam;' beyond whom he is not supposed to have any ancestor. On a certain occasion, the judge, being very anxious to defeat the testimony of a clever witness, made the quaint inquiry, 'Who married Adam and Eve?' To which the witness replied, 'I was not invited to the wedding.'

"The costs of law suits are always defrayed by the gainer of the cause, as he is supposed to be better able to afford such expenses; but the evident design is to induce people to go to law, since justice is set aside, and every facility afforded, by the suborning of witnesses. Even the llams, or sentences, are so carefully worded, that at any time flaws may be discovered, and a new trial demanded. The equity of making the gainer of the cause pay the costs was ludicrously illustrated in the case of an arnavout, who was accused of stealing a gimlet. When in the presence of the cadi, he pleaded not guilty; the plaintiff was required, ac-

\* *Asbury, App., Henderson, Resp.*, Nov. 24, 1854, (18 Just. Peace, 793).

† The passage is cited by Heywood from Dalton's *Sherriff*, 333.

‡ The reason is, because the freehold is out of him.



cording to custom, to produce two witnesses; but the trifling claim not justifying much extra expense in the hiring of false testimony, the plaintiff declined availing himself of this privilege. The only alternative was for the cadi to administer an oath to the defendant, who, having been duly sworn, was pronounced the gainer of the cause, and requested to pay the costs, which were five times more than the value of the article in question. The arnavout, being somewhat of a speculative genius, coolly put his hand in his bosom, and producing the disputed gimlet, threw it at his accuser, saying, 'There, have your gimlet, and pay the costs.'

"It is true, that, by way of reform, a commercial tribunal of justice has been established, but unfortunately without any beneficial result; and his Excellency Lord Stratford de Redcliffe has very justly observed, that 'the very atmosphere of Turkey is impregnated with venality.'

"In such a poisoned atmosphere no salutary influence can be exercised until the axe is laid at the root of the evil. There is no security for property, nor any inducement to honesty. A man has the privilege, and even the temptation, under the existing laws, to injure his neighbour to any extent, and the innocent have no other means of protecting themselves and their interests than by resorting to counter dishonesty. For instance, if a man is unjustly accused of owing a debt of 100*l.*, it would naturally be inferred that he would deny the debt; but such an honest procedure would not answer in a Turkish court of justice, for it would immediately give the plaintiff the privilege of producing two hired witnesses, by whose testimony the defendant would be condemned to pay the pretended debt. The only alternative in such instances is, not to deny the accusation, but to verify the principle, 'set a rogue to catch a rogue,' by acknowledging the debt, at the same time declaring that it has already been paid; and by this means the accuser is deprived of the privilege of suborning witnesses, and the defendant avails himself of it. Thus the moral sense of the community is corrupted, and self-preservation impels the people only to strive to excel each other in roguery."

Your constant reader,

ORIENTALIS.

### London Gazette.

FRIDAY, DECEMBER 22.

#### BANKRUPTS.

**GEORGE HARDIN**, High-street, Stoke Newington, Middlesex, linen-draper, dealer and chapman, Jan. 1 at 12, and Feb. 10 at half-past 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. J. & J. H. Linklater, 17, Sisle-lane, London.—Petition dated Dec. 18.

**JAMES MORTIMER**, Grosvenor-road, Abbey-road, St. John's-wood, Middlesex, builder, Jan. 2 at half-past 2, and Feb. 2 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Whitehouse, 17, Bedford-row, London.—Petition filed Dec. 20.

**JOHN BATTERS**, Tokenhouse-yard, London, shipowner, Jan. 9 and Feb. 2 at 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Wyatt, 4, Verulam-buildings, Gray's-inn, London.—Petition filed Dec. 20.

**NICHOLAS JOHN GARDNER**, Water-lane, London, commission agent, Jan. 2 at 2, and Feb. 6 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Wyatt, 2, Verulam-buildings, Gray's-inn.—Petition filed Dec. 20.

**HENRY SHEPPARD**, Salisbury, Wiltshire, grocer, Jan. 2 at half-past 1, and Jan. 30 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Hodding & Co., Salisbury; Clark & Morice, Coleman-street, London.—Petition filed Dec. 18.

**JOHN GOWER**, Lawrence-lane, London, warehouseman, Jan. 4 at 2, and Feb. 9 at 11, Court of Bankruptcy, London: Off. Ass. Cannan; Sols. Solé & Co., 68, Alderman-bury, London.—Petition filed Dec. 20.

**WILL BUCKWELL** and **THOMAS JONES**, Duke-street, Southwark, dealers in cement and stone manufacturers, dealers and chapmen, Jan. 2 at 1, and Jan. 31 at half-past 2, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sol. Preston, 10, Austin-friars, London.—Petition filed Dec. 19.

**RICHARD GINKS**, Hartlebury, Worcestershire, wheelwright, dealer and chapman, Jan. 4 and 27 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Boycot, Kidderminster; Motteram & Knight, Birmingham.—Petition dated Dec. 16.

**THOMAS EDWARDS**, Shrewsbury, Shropshire, builder, Jan. 3 and 24 at 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Morgan, Shrewsbury; Motteram & Knight, Birmingham.—Petition dated Dec. 8.

**JOSEPH POPPLETON**, Leicester, lamb's wool and worsted yarn spinner, commission agent, dealer and chapman, Jan. 9 and Feb. 6 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Miles & Gregory, Leicester; Hodgson, Birmingham.—Petition dated Dec. 13.

**GEORGE NEWMARCH**, Nottingham, hatter, furrier, dealer and chapman, Jan. 9 and Feb. 6 at 10, District Court of Bankruptcy, Nottingham: Off. Ass. Harris; Sols. Bowley, Nottingham; Hodgson, Birmingham.—Petition dated Dec. 18.

**JOSEPH STODDART**, North Leach, Gloucestershire, draper, dealer and chapman, Jan. 9 and Feb. 6 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Brittan & Sons, Bristol; Solé & Co., Aldermanbury, London.—Petition filed Dec. 1.

**WILLIAM CHADWICK**, Liverpool, limeburner, builder, brickmaker, dealer and chapman, Jan. 4 and 29 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Morgan; Sol. Dodge, Liverpool.—Petition filed Dec. 16.

**JOHN MARSHALL**, Todmorden, Yorkshire, cotton spinner and innkeeper, dealer and chapman, Jan. 9 at 12, and Feb. 6 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope.—Petition dated Dec. 9.

**SAMUEL HIGHFIELD**, trader, Jan. 4 and 29 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Townsend & Ridley, Liverpool.—Petition filed Nov. 15.

#### MEETINGS.

*Abraham Coronel*, Great Alie-street, Goodman's-fields, Middlesex, cigar manufacturer, Jan. 2 at 12, Court of Bankruptcy, London, pr. d.—*Wm. George Trangmar* and *John Trangmar*, Brighton and Shoreham, Sussex, grocers, Jan. 4 at half-past 11, Court of Bankruptcy, London, aud. ac. sep. est. of *Wm. George Trangmar*.—*Melchor Lopez*, Fenchurch-street, London, and Oxford, wine merchant, Jan. 4 at half-past 11, Court of Bankruptcy, London, aud. ac.—*James Young*, *Thomas Bracken*, *George Ballard*, *James Charles C. Sutherland*, and *Nathaniel Alexander*, Calcutta, East Indies, merchants, Jan. 4 at 12, Court of Bankruptcy, London, aud. ac.—*George B. Medley*, Highbury-park North, Islington, Middlesex, and Great Tower-street and Lloyd's Coffee-house, London, underwriter, Jan. 4 at 11, Court of Bankruptcy, London, aud. ac.—*Wm. Ivory*, Norwich, wholesale grocer, Jan. 4 at 11, Court of Bankruptcy, London, aud. ac.—*James W. Hendy*, Portsmouth, Southampton, builder, Jan. 5 at 11, Court of Bankruptcy, London, aud. ac.—*Nathaniel B. Gibbs*, Connaught-terrace, Edgeware-road, Middlesex, chemist, Jan. 4 at 12, Court of Bankruptcy, London, aud. ac.—*James Bickerton*, Castle-st., Southwark, Surrey, hat manufacturer, Jan. 4 at 12, Court of Bankruptcy, London, aud. ac.—*Thos. J. Holloway*, Salisbury, Wiltshire, rope manufacturer, Jan. 5 at 11, Court of Bankruptcy, London, aud. ac.—*C. Button*, Holborn-bars, London, operative chemist, Jan. 4 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Wm. Miller*, Dorking, Surrey, auctioneer, Jan. 4 at 12, Court of Bankruptcy, London, aud. ac.—*John Willor*, Broadway, Westminster, Middlesex, cheesemonger, Jan. 4 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Wm. H. Wearn*, Southsea, Portsea, Southampton, grocer, Jan. 4 at 11, Court of Bankruptcy, London, aud. ac.—*Thos. Squire*, Grosvenor-mews, Bond-street, Middlesex, coachbuilder, Jan. 4 at 11, Court of Bankruptcy, London, aud. ac.—*Anthony M. Todd*, Clement's-lane, Lombard-street, London, merchant, Jan. 9 at 11, Court of Bankruptcy, London, aud. ac.; Jan. 16 at 12, div.—*Henry E. Harries*, Tredegar, Monmouthshire, draper, Jan. 23 at 11, District Court of Bankruptcy, Bristol, aud. ac.;

Feb. 1 at 11, div.—*Sampson Langdale, John Eyton, and Masta J. Cooke*, Newcastle-upon-Tyne, merchants, Jan. 18 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac. joint est. of *Sampson Langdale and John Eyton*.—*Wm. Geldart*, North Shields, Northumberland, shipowner, Jan. 16 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*John Cox*, Nottingham, silk throwster, Jan. 30 at 10, District Court of Bankruptcy, Nottingham, aud. ac. and div.—*John Howard*, Macclesfield, Cheshire, silk manufacturer, Jan. 12 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Henry Solomon*, Holborn-hill, London, and Cumberland-place and Surrey-place, Old Kent-road, Surrey, furniture broker, Jan. 13 at 11, Court of Bankruptcy, London, div.—*Edward J. Wells*, Maidstone, Kent, ironmonger, Jan. 19 at 12, Court of Bankruptcy, London, div.—*William Pickering*, Piccadilly, Middlesex, bookseller, Jan. 19 at 12, Court of Bankruptcy, London, div.—*Thomas Rutherford*, Agnes-place, Waterloo-road, Surrey, merchant, Jan. 12 at half-past 12, Court of Bankruptcy, London, div.—*Wm. Kynnersley and Henry Kynnersley*, Tatenhill, Staffordshire, millers, Jan. 20 at 12, District Court of Bankruptcy, Birmingham, fin. div. joint. est. and sep. ests.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Edward Hawkins*, Ponsonby-street, Westminster, builder, Jan. 16 at 11, Court of Bankruptcy, London.—*E. Buchler*, Cullum-street, London, merchant, Jan. 26 at half-past 12, Court of Bankruptcy, London.—*John Sturgis*, Maidstone, Kent, baker, Jan. 16 at half-past 2, Court of Bankruptcy, London.—*Walter Longhurst*, Queen's-buildings, Knights-bridge, Middlesex, builder, Jan. 16 at 2, Court of Bankruptcy, London.—*Henry Hadow*, Jewry-street, Aldgate, London, apothecary, Jan. 13 at 11, Court of Bankruptcy, London.—*Sidney M. Hawkes*, Britten-street, Chelsea, Middlesex, brewer, Jan. 13 at half-past 11, Court of Bankruptcy, London.—*James Dungey*, Rochester, Kent, grocer, Jan. 13 at 12, Court of Bankruptcy, London.—*Christopher Crew and Christopher Crew the younger*, Gertrude-street, Chelsea, Middlesex, builders, Jan. 12 at half-past 11, Court of Bankruptcy, London.—*Henry J. Nash*, Crown-court, Cheapside, London, woollen warehouseman, Jan. 12 at 12, Court of Bankruptcy, London.—*Thomas Nutter*, Cambridge, brewer, Jan. 12 at half-past 12, Court of Bankruptcy, London.—*George Williams*, Ebbw-vale, near Newport, Monmouthshire, draper, Jan. 30 at 11, District Court of Bankruptcy, Bristol.—*John Fittes and Robert Fittes*, Newcastle-upon-Tyne, Northumberland, and Gateshead, Durham, tea dealers, Jan. 18 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*John Harwood*, Blackburn, Lancashire, tailor, Jan. 15 at 12, District Court of Bankruptcy, Manchester.—*John Swales*, Openshaw, Lancashire, ironmonger, Jan. 15 at 12, District Court of Bankruptcy, Manchester.—*Wm. Grainger the younger*, Wakefield, Yorkshire, porter merchant, Jan. 22 at 11, District Court of Bankruptcy, Leeds.

*To be granted, unless an Appeal be duly entered.*

*James Henry Mackey*, St. Helen's-place, London, merchant.—*John Willox*, Broadway, Westminster, Middlesex, cheesemonger.—*W. John Reeve*, Beaufort-buildings, Strand, Middlesex, coal merchant.—*Bodham Butler Wisker*, Castle-street, Holborn, London, tailor.—*Wm. Matthews*, Cottage-road, Harrow-road, Paddington, Middlesex, builder.—*John Joseph Whiting*, Cambridge, apothecary.—*William Adam*, Great Tower-street, London, merchant.—*Jas. Green*, Northampton, carpenter.—*Henry Simmons*, Northumberland-place, Commercial-road; High-street, Shoreditch; and Hackney-road, Middlesex, shoemaker.—*John T. Jenkins*, Lewisham-road, Deptford, Kent, builder.—*J. Dandison*, Huddersfield, Yorkshire, wine merchant.—*Jas. Corbett*, Stourbridge, Worcestershire, saddler.

## PETITION DISMISSED.

*Geo. Sharp Mockford and Morris Ellis Pemberton*, Lime-street, London, merchants.

## PARTNERSHIP DISSOLVED.

*Newenham Charles Wright and John Keep Weedon*, Farnival's-inn, London, attornies-at-law, solicitors, and conveyancers.

## SCOTCH SEQUESTRATIONS.

*Daniel Livingston*, Parkhead, near Glasgow, wright.—*Jcs.*

*Lamb*, Glasgow, wright.—*Michael Rowand, junior*, Glasgow, sharebroker.

## INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*J. Jaques*, Evesham, Worcestershire, grocer, Jan. 12 at 11, County Court of Worcestershire, at Evesham.—*John Horton*, Worcester, baker, Jan. 10 at 10, County Court of Worcestershire, at Worcester.—*H. Wilson*, Gravesend, Kent, medical agent, Jan. 10 at 10, County Court of Kent, at Gravesend.—*Anthony Barnaschina*, junior, Gravesend, Kent, furniture dealer, Jan. 13 at 10, County Court of Kent, at Gravesend.—*Henry Andrew*, Snaith, Yorkshire, station master, Jan. 23 at 11, County Court of Yorkshire, at Goole.—*John B. Pringle*, Tynemouth, Northumberland, master mariner, Jan. 18 at 10, County Court of Northumberland, at North Shields.—*George Williamson*, Ockbrook, Derbyshire, out of business, Jan. 9 at 10, County Court of Nottinghamshire, at Nottingham.—*Wm. Falconbridge*, Bulkington, Warwickshire, police officer, Jan. 16 at 12, County Court of Warwickshire, at Nuneaton.—*Ann Wood*, widow, Chilvers Coton, Warwickshire, grocer, Jan. 16 at 12, County Court of Warwickshire, at Nuneaton.—*George Mealand*, Coventry, Warwickshire, shoemaker, Jan. 29 at 12, County Court of Warwickshire, at Coventry.—*Wm. Foster*, Coventry, Warwickshire, licensed victualler, Jan. 29 at 12, County Court of Warwickshire, at Coventry.—*J. H. Foster*, Coventry, Warwickshire, whitesmith, Jan. 29 at 12, County Court of Warwickshire, at Coventry.—*Thomas Wm. Beck*, Tiverton, Devonshire, auctioneer, Jan. 11 at 11, County Court of Devonshire, at Tiverton.—*Robert Trace*, Exeter, butcher, Jan. 16 at 10, County Court of Devonshire, at Exeter.—*Wm. Porter*, King's Lynn, Norfolk, yeoman, Jan. 10 at 3, County Court of Norfolk, at King's Lynn.—*George Andrews*, King's Lynn, Norfolk, grocer, Jan. 10 at 3, County Court of Norfolk, at King's Lynn.—*Jonathan Moore*, Terlington St. Clements, Norfolk, shoemaker, Jan. 10 at 3, County Court of Norfolk, at King's Lynn.—*E. Richardson*, Eye, Northamptonshire, baker, Jan. 8 at 12, County Court of Northamptonshire, at Peterborough.—*H. Hopkins*, Peterborough, Northamptonshire, in no business, Jan. 8 at 12, County Court of Northamptonshire, at Peterborough.—*James Peters*, Exeter, 1st render, Jan. 16 at 10, County Court of Devonshire, at Exeter.—*H. Williams*, Exeter, out of business, Jan. 9 at 10, County Court of Devonshire, at Exeter.—*Richard Cotton*, Bury St. Edmunds, Suffolk, veterinary surgeon, Dec. 29 at 10, County Court of Suffolk, at Bury St. Edmunds.—*Isaiah Butler*, Walsall, Staffordshire, chain manufacturer, Jan. 26 at 10, County Court of Staffordshire, at Walsall.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Jan. 5 at 10, before Mr. Commissioner MURPHY.*

*James John Woolmer*, Grove-road, Upper Holloway, Middlesex, out of business.—*George Crisp Player*, Westbourne-grove North, Paddington, Middlesex, builder.—*Jane Curtis Gibbs*, Allsop-terrace, New-road, St. Marylebone, Middlesex, out of business.—*Alfred Emery*, Hedge-row, High-street, Islington, Middlesex, shoe salesman.—*Edmund Maude*, Augustus-square, Park-villas East, Regent's-park, Middlesex, wine merchant.—*Robert Todd* the younger, Hanover-place, Kennington, Surrey, commission agent.

*Jan. 6 at 11, before Mr. Commissioner PHILLIPS.*

*James M' Lagan*, Bridge-house-place, Newington, Surrey, baker.—*Wm. Groombridge*, Whitefriars-st., Fleet-st., London, livery-stable keeper.—*Wm. Parrott Carter*, Harrington-street South, Hampstead, Middlesex, barrister-at-law.—*James Dean*, Aldred-road, Walworth, Surrey, out of business.

*Jan. 8 at 11, before Mr. Commissioner PHILLIPS.*

*Wm. Skinner* the younger, Church-st., Shoreditch, Middlesex, cheesemonger.—*Charles Alexander Gibbs*, Allsop-terrace, New-road, Marylebone, Middlesex, artist in stained glass.—*Francis Fisher*, Portman-place, Edgeware-road, Middlesex, watchmaker.—*Alfred Parr*, Streasley, Berkshire, out of business.—*John Basham*, John-street, Holywell Mount, Shoreditch, Middlesex, timber merchant.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Lancashire, at LANCASTER, Jan. 5 at 11.*

*Wm. Waine Benson, Preston, out of business.—W. Morewood, Macclesfield, Cheshire, coach builder.—Joseph Allen, Gorton Brook, near Manchester, out of business.—William Hignett, Kirkdale, near Liverpool, farmer.—George Kay, Hulme, Manchester, retail dealer in ale.—Robert Lawson, Bolton-le-Moors, traveller to a currier.—John Watson, Manchester, fishmonger.—Thos. Edmondson, Marsden, near Colne, out of business.—James Casey, Preston, out of business.—William Scholes, Waterloo, near Ashton-under-Lyne, retail dealer in ale.—Jas. Myers, Strangeways, Manchester, horse dealer.—Thos. Williams, Altrincham, near Manchester, out of business.—Jas. Scott, Blackburn, retail dealer in ale.—Joshua Clegg, Rochdale, out of business.—W. Mellor, Ashton-under-Lyne, out of business.—Robert Boadle, Ellers, Ulverstone, farmer's labourer.—Richard Bradley, Lancaster, beerseller.—Elias Boardman, Bedford, Leigh, near Bolton-le-Moors, joiner.—David Crabtree, Hopwood, near Bury, cotton-waste dealer.—John Higham, Hulme, Manchester, butcher.—Thos. Clegg, Heywood, near Bury, cotton-waste dealer.—Thomas Browning, Pendleton, near Manchester, cowkeeper.—Daniel Halton, Liverpool, out of business.—John Mines, Rochdale, salesman to a wool merchant.—Hugh Spencer, Walton-le-Dale, near Preston, licensed victualler.—James Bell, Everton, near Liverpool, joiner.—W. Harrison, Longsight, near Manchester, joiner.—James Taylor, Oldham, general agent.—H. Hopkins, Oldham, skipmaker.—Edward Gregson, Wigan, engineer.—Edward John Middlehurst, Everton, near Liverpool, out of business.—Fanny Stapleton, Manchester, beerseller.—John Reilley, Liverpool, stevedore.—William Carr, Martin Blowing Sands, near Blackpool, excavator.—W. Caloway, Manchester, brickmaker.—Samuel Wilson, Hindley, near Wigan, labourer for colliers.—Wm. Baxendale, Preston, operative cotton spinner.—Thos. Chadwick, Heaton Norris, out of business.—Joseph Mellor, Oldham, cotton spinner.—Joshua Brindle, Blackburn, grocer.—Wm. Gordon, Accrington, shoemaker.—Samuel Forrest, Blackburn, out of employment.*

*At the County Court of Dorsetshire, at DORCHESTER, Jan. 9 at 12.*

*George James, Wareham, tailor.*

*At the County Court of Leicestershire, at LEICESTER, Jan. 10.*

*John Bindley, Leicester, out of business.*

*At the County Court of Essex, at CHELMSFORD, Jan. 11.*

*John Smith, Stebbing, near Dunmow, poulterer.*

*At the County Court of Gloucestershire, at BRISTOL, Jan. 11 at half-past 10.*

*Thomas Price, Pill, Easton in Gordano, Somersetshire, licensed victualler.*

*At the County Court of Oxfordshire, at OXFORD, Jan. 12 at 10.*

*Thomas Borthwick, Oxford, out of business.*

*At the County Court of Kent, at DOVER, Jan. 12 at 11.*

*H. Ascott, Harrow-road, Paddington, Middlesex, eating-house keeper.—James Weller, Hastings, Sussex, butcher.*

#### MEETING.

*John Stanley, prisoner in Warwick Prison, Jan. 8 at 11, at the Castle Inn, Cross Cheaping, Coventry, sp. aff.*

### TUESDAY, DECEMBER 26.

#### BANKRUPTS.

**EDWARD JENNER STANNARD**, Trinity-square, Tower-hill, London, wine merchant, dealer and chapman, Jan. 1 at half-past 12, and Feb. 10 at 2, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Ashurst & Co., 6, Old Jewry.—Petition dated Dec. 22.

**WATSON LEMON**, Bridge-house-place, Newington-causeway, Surrey, painter and builder, Jan. 1 at half-past 11, and Feb. 16 at 11, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Rose, 11, Salisbury-street, Strand.—Petition dated Dec. 14.

**CHARLES MAIDLLOW**, Adelaide-terrace, Westbourne-grove, Middlesex, builder, auctioneer, dealer and chapman, Jan. 9 and Feb. 2 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. J. & J. H. Linklater, 17, Sisle-lane, London.—Petition filed Dec. 22.

**JOHN HALL**, Purfleet-wharf, Camden-town, Middlesex, wharfinger, carman, dealer and chapman, Jan. 9 at half-past 1, and Feb. 6 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Smith & Son, 6, Barnard's-inn, Holborn.—Petition filed Dec. 23.

**HENRY SAVILL**, Colchester, Essex, grocer, dealer and chapman, Jan. 3 at half-past 12, and Feb. 7 at 1, Court of Bankruptcy, London: Off. Ass. Stansfeld; Sols. Jones, Colchester; Abel, 8, Romney-terrace, Horseferry-road, Westminster.—Petition filed Dec. 23.

**SAMUEL TYLER**, Denham, Buckinghamshire, innkeeper, dealer and chapman, Jan. 5 at 11, and Feb. 1 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Spicer, 5, Staple-inn.—Petition filed Dec. 16.

**THOMAS STANDEN**, Goudhurst, Kent, general dealer and chapman, Jan. 4 and Feb. 8 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Hinds, Goudhurst, Kent; Parker, 18, St. Paul's-churchyard.—Petition filed Dec. 21.

**FRANCIS GEORGE EKINS**, London-street, Greenwich, Kent, watchmaker and jeweller, dealer and chapman, Jan. 4 at 2, and Feb. 8 at 1, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Wealle & Berkeley, Temple-chambers, Falcon-court, Fleet-street.—Petition filed Dec. 22.

**ISAAC BARTON**, Stafford, grocer, Jan. 4 and 27 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Hand, Stafford; Motteram & Knight, Birmingham.—Petition filed Dec. 18.

**JANE WARREN**, Bristol, haberdasher and shopkeeper, Jan. 10 and Feb. 6 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Bevan & Girling, Bristol.—Petition filed Dec. 19.

**JOHN EVANS**, Exeter, bookseller and stationer, dealer and chapman, Jan. 4 and Feb. 1 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Terrell, Exeter.—Petition filed Dec. 22.

**GEORGE BRAND HUSSEY**, Plymouth, Devonshire, innkeeper, dealer and chapman, Jan. 8 and Feb. 5 at 1, District Court of Bankruptcy, Plymouth: Off. Ass. Hirtzel; Sols. Gibson & Moore, Plymouth.—Petition filed Dec. 23.

**JOHN HANNELL**, Manchester, tobaccoconist, dealer and chapman, Jan. 6 and Feb. 1 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hernaman; Sols. Richardson, Bolton; Cobbett & Wheeler, Manchester.—Petition filed Dec. 13.

**EDWARD WRIGHT**, Welwick, Holderness, Yorkshire, draper, dealer and chapman, Jan. 10 and Feb. 7 at 12, District Court of Bankruptcy, Kingston-upon-Hull: Off. Ass. Carrick; Sols. Wells & Smith, Hull.—Petition dated Dec. 2.

#### MEETINGS.

*Francis Pinn, Queen's-buildings, Knightsbridge, and Stock-bridge-terrace, Pimlico, Middlesex, baker, Jan. 18 at half-past 12, Court of Bankruptcy, London, last ex.—George Erasmus Clapham, Farringdon-street, London, licensed victualler, Jan. 16 at 12, Court of Bankruptcy, London, aud. ac.—Henry Dawber, Lincoln, butcher, Jan. 10 at 12, District Court of Bankruptcy, Kingston-upon-Hull, aud. ac.—Charles Thomas, Gloucester, stationer, Jan. 11 at 11, District Court of Bankruptcy, Bristol, aud. ac.—Thomas Norbury and Richard Bindloss, Manchester, silk manufacturers, Jan. 10 at 12, District Court of Bankruptcy, Manchester, aud. ac., and Jan. 17 at 12, div., sep. est. of Richard Bindloss.—Robt. Mullock Wright and Joseph Smith Anstie, Broken-wharf, Upper Thames-street, London, drysalers, Jan. 17 at half-past 11, Court of Bankruptcy, London, div.—George Fox, Crombie's-row, Commercial-road East, Middlesex, clothier, Jan. 17 at 11, Court of Bankruptcy, London, div.—John Hucknall, Nottingham, grocer, Jan. 23 at 10, District Court of Bankruptcy, Nottingham, aud. ac. and div.—J. Chaplin and Robt. Wigley, Leicester, carriers, Jan. 23 at 10, District Court of Bankruptcy, Nottingham, aud. ac. and div.—John Scott, Nottingham, grocer, Jan. 30 at 10, District Court of Bankruptcy, Nottingham, aud. ac. and fin. div.—James Evans and George Davey, Britton Ferry Ironworks, Glamorganshire, ironmasters, Jan. 5 at 11, District Court of Bankruptcy,*

Bristol, div.—*John Sager*, Birkenhead, Cheshire, brewer, Jan. 18 at 11, District Court of Bankruptcy, Liverpool, div.—*E. Cragg*, Kendal, Westmoreland, innkeeper, Jan. 24 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.

#### CERTIFICATES

*To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.*

*Wm. Batchelar*, Croydon, Surrey, baker, Jan. 16 at 12, Court of Bankruptcy, London.—*Thomas Waghorn*, Rochester, Kent, draper, Jan. 17 at half-past 1, Court of Bankruptcy, London.—*George E. Clapham*, Farringdon-street, London, licensed victualler, Jan. 16 at 12, Court of Bankruptcy, London.—*Henry Perks*, Liverpool, porter merchant, Jan. 18 at 11, District Court of Bankruptcy, Liverpool.—*J. Dumble*, Sunderland, Durham, commission agent, Jan. 23 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—*John Thornton* the elder and *Joseph R. Thornton*, Godley and Hyde, Cheshire, cotton-waste dealers, Jan. 18 at 12, District Court of Bankruptcy, Manchester.—*John Clay*, Wednesfield, Staffordshire, timber merchant, Jan. 18 at half-past 10, District Court of Bankruptcy, Birmingham.—*John Brown*, West Bromwich, Staffordshire, cornfactor, Jan. 25 at half-past 10, District Court of Bankruptcy, Birmingham.—*Frederick Longman*, Wolverhampton, Staffordshire, wholesale druggist, Jan. 18 at half-past 10, District Court of Bankruptcy, Birmingham.—*John Berry*, Coventry, Warwickshire, licensed victualler, Jan. 25 at 10, District Court of Bankruptcy, Birmingham.—*Charles Melen*, Birmingham, baker, Jan. 22 at 10, District Court of Bankruptcy, Birmingham.

*To be granted, unless an appeal be duly entered.*

*J. Chancellor*, Phoenix-place, Dorrington-street, Clerkenwell, Middlesex, and Hyde-house, Battersea, Surrey, funeral carriage master.—*James Whittering*, Finedon, near Wellingborough, Northamptonshire, builder.—*N. M. Day*, Bunhill-row, Middlesex, machine maker.—*Wm. Phillips*, Minories, Middlesex, brushmaker.—*Wm. Howell*, Goswell-street, St. Luke's, Middlesex, licensed victualler.—*C. Gibbs*, Thorndon, Suffolk, innkeeper.—*Michael Solomon*, Lambeth-walk, Surrey, chinaman.—*George Webb*, Shoreditch, Middlesex, cheesemonger.—*Samuel H. Ellis* the younger, Stock Exchange, London, dealer in stock.—*W. Duncan*, Kingston-upon-Hull, grocer.—*J. Hewell*, Leamington Priors, Warwickshire, brick-maker.—*Isaac Beck*, Birmingham, licensed victualler.

#### SCOTCH SEQUESTRATIONS.

*Smith & Gardner*, Glasgow, wrights.—*James M'Lintock*, Greenock, shoemaker.—*R. & A. Macdonald*, Glasgow, tea merchants.—*Wm. Macneir*, Glasgow, bookbinder.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

*George Duke*, Birmingham, horse-collar maker, Jan. 13 at 12, County Court of Warwickshire, at Birmingham.—*Wm. Broadway*, Birmingham, out of business, Jan. 13 at 12, County Court of Warwickshire, at Birmingham.—*H. Woodfull*, Birmingham, German silver turner, Jan. 13 at 12, County Court of Warwickshire, at Birmingham.—*John Waterson* the elder, Birmingham, horse keeper, Jan. 13 at 12, County Court of Warwickshire, at Birmingham.—*Wm. Heron*, Birmingham, traveller, Jan. 13 at 12, County Court of Warwickshire, at Birmingham.—*W. Freeth*, Birmingham, brass caster, Jan. 13 at 12, County Court of Warwickshire, at Birmingham.—*P. S. Maybury*, Birmingham, retail brewer, Jan. 13 at 12, County Court of Warwickshire, at Birmingham.—*Thomas Grooms*, Birmingham, scale-beam maker, Jan. 13 at 12, County Court of Warwickshire, at Birmingham.—*Edwin Richards*, Birmingham, out of business, Jan. 13 at 12, County Court of Warwickshire, at Birmingham.—*J. Needle*, Birmingham, Windsor chair maker, Jan. 13 at 12, County Court of Warwickshire, at Birmingham.—*J. Wardell*, Birmingham, baker, Jan. 13 at 12, County Court of Warwickshire, at Birmingham.—*R. Woodward*, Birmingham, die sinker, Jan. 13 at 12, County Court of Warwickshire, at Birmingham.—*John Brown*, Birmingham, dealer in game, Jan. 13 at 12, County Court of Warwickshire, at Birmingham.—*Stephen Hodgson*, Sheffield, Yorkshire, mason, Jan. 17 at 12, County Court of Yorkshire, at Sheffield.—*John Anty*, Sheffield, Yorkshire, mason, Jan. 17 at 12, County Court of Yorkshire, at Sheffield.—*Charles*

*Atkinson*, Sheffield, Yorkshire, joiners' tool manufacturer, Jan. 17 at 12, County Court of Yorkshire, at Sheffield.—*John Gordon*, Sheffield, Yorkshire, licensed victualler, Jan. 17 at 12, County Court of Yorkshire, at Sheffield.—*T. Moulson*, Sheffield, Yorkshire, saw maker, Jan. 17 at 12, County Court of Yorkshire, at Sheffield.—*Wm. Brown*, Macclesfield, Prestbury, Cheshire, licensed victualler, Jan. 11 at 11, County Court of Cheshire, at Macclesfield.—*James Price*, Cardiff, Glamorganshire, beerseller, Jan. 19 at 11, County Court of Glamorganshire, at Cardiff.—*Joseph M. Bland*, Fordham, Cambridgeshire, grocer, Jan. 13 at 10, County Court of Cambridgeshire, at Soham.—*James Cochrane*, Hastings, Sussex, shoemaker, Jan. 22 at 11, County Court of Sussex, at Hastings.—*Wm. Watson*, Reading, Berkshire, plumber, Jan. 16 at half-past 10, County Court of Berkshire, at Reading.—*J. Magrath*, Market Weighton, Yorkshire, licensed hawkier, Jan. 27 at 10, County Court of Yorkshire, at Pocklington.—*T. Wilkinson*, Keswick, Crosthwaite, Cumberland, wheelwright, Feb. 22 at 10, County Court of Cumberland, at Keswick.—*Aaron Sisson*, Torpenhow, Cumberland, miller, Jan. 19 at 10, County Court of Cumberland, at Wigton.—*Frank Beaton*, Sheffield, Yorkshire, brass turner, Jan. 17 at 12, County Court of Yorkshire, at Sheffield.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Jan. 9 at 10, before the CHIEF COMMISSIONER.*

*J. Davies*, Vaughan-terrace, Shepherdess-walk, City-road, Middlesex, cowkeeper.—*S. Spiers*, Blue Anchor-alley, Bunhill-row, St. Luke's, Middlesex, shoemaker.—*Wm. Cannon*, Blue Anchor-alley, Bunhill-row, St. Luke's, Middlesex, shoemaker.—*Alex. White*, Morland-place, Albert-town, Stoke Newington, Middlesex, out of business.—*Charles Baker*, King's Arms-lane, Hounslow, Middlesex, wheelwright.—*Frederick Bartens*, Goodwin's-court, St. Martin's-lane, Middlesex, tailor.

*Saturday, Dec. 23.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Joseph Lee*, Rotheram, Yorkshire, potter, No. 78,875 C.; Nathaniel Booth and Charles Rawson, assignees.—*J. Wormleighton*, Walmer-terrace, Notting-hill, Middlesex, carpenter, No. 79,128 C.; Henry Austin Sherwood, assignee.—*Charles Moody*, Newport, Isle of Wight, Southampton, tailor, No. 78,678 C.; Jas. Calvert, assignee.—*Wm. Fisher*, York-place, Vauxhall-bridge-road, Middlesex, lodging-house keeper, No. 64,385 T.; John Lownds, assignee.—*Walter Collett*, Windsor-terrace, Old Kent-road, Surrey, cheesemonger, No. 64,730 T.; Joseph Needham, assignee.

*Saturday, Dec. 23.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*George Ellison Wyatt*, Brick-street, Down-st., Piccadilly, Middlesex, carpenter: in the Debtors Prison for London and Middlesex.—*John Buckwell*, Great Titchfield-st., Portland-place, Marylebone, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Robert Brown*, Ivy-cottage, Simpson's-buildings, Hammermith, Middlesex, brick-layer: in the Debtors Prison for London and Middlesex.—*George Bell*, Holland-street, North Brixton, Surrey, tailor: in the Queen's Prison.—*Wm. King*, High-st., Hoxton Old-town, St. Leonard's, Shoreditch, Middlesex, tobacconist: in the Debtors Prison for London and Middlesex.—*Joseph Froggatt*, James-st., Bromley, Middlesex, butcher: in the Debtors Prison for London and Middlesex.—*Wm. Gardner*, Great Russell-st., Bloomsbury, Middlesex, shirt cutter: in the Debtors Prison for London and Middlesex.—*Frederick A. Kent*, Stamford-street, Blackfriars-road, Surrey, counting-house clerk: in the Gaol of Surrey.—*Henry Havinden*, Park-street, Bromley, Middlesex, milkman: in the Debtors Prison for London and Middlesex.—*Wm. Freeman Bliss*, Teddington, Middlesex, licensed victualler: in the Debtors Prison for London and Middlesex.—*Frederick Pritchard*, Leonard-

street, Shoreditch, Middlesex, beer-shop keeper: in the Debtors Prison for London and Middlesex.—*Frederick Colegate*, New Brompton, Kent, beer retailer: in the Debtors Prison for London and Middlesex.—*Louis Urban*, Banner-square, St. Luke's, Middlesex, cap maker: in the Debtors Prison for London and Middlesex.—*J. Creathorne Clayton*, Acton-street, Gray's-inn-road, Middlesex, wood engraver: in the Debtors Prison for London and Middlesex.—*S. Dann*, William-street, Regent's-park, Middlesex, out of business: in the Debtors Prison for London and Middlesex.—*Charles Jenkins Lloyd*, Grove-street, Camden-town, Middlesex, linen-draper: in the Debtors Prison for London and Middlesex.—*George Temperley*, Newcastle-upon-Tyne, commission coal vendor: in the Gaol of Newcastle-upon-Tyne.—*Edward J. Middlehurst*, Everton, near Liverpool, broker: in the Gaol of Lancaster.—*Wm. Bazendale*, Preston, Lancashire, operative cotton spinner: in the Gaol of Lancaster.—*Joshua Brindle*, Blackburn, Lancashire, grocer: in the Gaol of Lancaster.—*W. Carr*, Martin Blowing Sands, near Blackpool, Lancashire, excavator: in the Gaol of Lancaster.—*Joseph Mellor*, Oldham, Lancashire, cotton spinner: in the Gaol of Lancaster.—*W. Calloway*, Manchester, brickmaker: in the Gaol of Lancaster.—*John Robinson*, Hulme, Manchester, grocer: in the Gaol of Lancaster.—*Benjamin Milton*, Stourport, Worcestershire, iron moulder: in the Gaol of Worcester.—*James Taylor*, Oldham, Lancashire, general agent: in the Gaol of Lancaster.—*Fanny Stapleton*, Manchester, beerseller: in the Gaol of Lancaster.—*Thomas Chadwick*, Heaton Norris, Lancashire, beerseller: in the Gaol of Lancaster.—*James Wellerd*, Hastings, Sussex, butcher: in the Gaol of Dover.—*J. Reilley*, Liverpool, stevedore: in the Gaol of Lancaster.—*S. Wilson*, New Scholes, Hindley, near Wigan, Lancashire, labourer for colliers: in the Gaol of Lancaster.—*Wm. Wilde*, Stretford, near Manchester, grocer: in the Gaol of Lancaster.—*William Scholes*, Waterloo, near Ashton-under-Lyne, Lancashire, retail dealer in ale: in the Gaol of Lancaster.—*Daniel Halton*, Liverpool, brewer: in the Gaol of Lancaster.—*John Milnes*, Rochdale, Lancashire, salesman to a wool merchant: in the Gaol of Lancaster.—*Wm. Gordon*, Accrington, Lancashire, shoemaker: in the Gaol of Lancaster.—*S. Forrest*, Snigbrook, Blackburn, Lancashire, out of employ: in the Gaol of Lancaster.—*Henry Hopkins*, Oldham, Lancashire, skipmaker: in the Gaol of Lancaster.—*Richard Dockerill*, Brighton, Sussex, builder: in the Gaol of Lewes.—*Edward Gregson*, Wigan, Lancashire, engineer: in the Gaol of Lancaster.—*Thomas Browning*, Pendleton, near Manchester, bookkeeper: in the Gaol of Lancaster.—*J. Higham*, Hulme, Manchester, butcher: in the Gaol of Lancaster.—*George W. Filcher*, Morledge, Derbyshire, licensed victualler: in the Gaol of Derby.—*John Edwards*, Brighton, Sussex, coachmaker: in the Gaol of Lewes.—*John D. Davies*, Salford, Lancashire, grocer: in the Gaol of Lancaster.—*James Harris*, Llantarnam, Monmouthshire, miller: in the Gaol of Bristol.—*Henry Pound*, Mathon, Worcestershire, huckster: in the Gaol of Worcester.—*Thomas Stickells*, Ashford, Kent, tailor: in the Gaol of Dover.—*R. Williams*, Commes, Montgomeryshire, general-shop keeper: in the Gaol of Montgomery.—*James Carpenter*, Greenwich, Kent, plumber: in the Gaol of Maidstone.—*George Calvert*, Rochester, Kent, artificial florist: in the Gaol of Maidstone.—*Edward Finch*, Rochester, Kent, baker: in the Gaol of Maidstone.—*John Hargraves*, Headingley, near Leeds, Yorkshire, bricklayer: in the Gaol of York.—*G. Hewitt*, Skinner-street, Clerkenwell, Middlesex, out of business: in the Gaol of Wilton.—*Matthew Kain*, Stockport, Cheshire, builder: in the Gaol of Chester.—*Alfred S. Fulljames*, Bath, Somersetshire, auctioneer: in the Gaol of Wilton.—*Wm. Whissell*, Stourbridge, Worcestershire, commission agent: in the Gaol of Worcester.—*James Jaynes*, Worcester, baker: in the Gaol of Worcester.—*Samuel Taylor*, Stockport, Cheshire, warper: in the Gaol of Cheshire.—*Isaac Cuth*, Shelton, Stoke-upon-Trent, Staffordshire, out of business: in the Gaol of Stafford.—*George Hornsby*, North Shields, Northumberland, builder: in the Gaol of Newcastle-upon-Tyne.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Jan. 9 at 10, before the CHIEF COMMISSIONER.*

*James B. Buckeridge*, Hemlock-court, Carey-street, St. Clement Danes, Middlesex, out of business.—*Nicholas Carter*, London-wall, London, vellum binder.—*William Russell*,

Royal Free Hospital, Gray's-inn-road, Middlesex, steward.—*James Davis Bates*, Cannon-street-road, St. George's-in-the-East, Middlesex, out of business.—*John Hearle*, Titchborne-street, Regent-street, Middlesex, dentist.—*Herman L. F. C. KnutA*, Red Lion-street, Clerkenwell, and Bishop's-court, Old Bailey, London, manufacturer of fancy leather goods.

*Jan. 9 at 10, before Mr. Commissioner MURPHY.*

*Warwick A. Hunt*, Burleigh, near Plymouth, attorney-at-law.—*Samuel Marks*, Bedfordbury, Strand, Middlesex, out of business.—*Wm. Maides* and *Henry J. Tarling*, St. John-street, Clerkenwell, and St. Petersburg-place, Baywater, Middlesex, hay salesmen.

*Adjourned Hearing.*

*James Neill*, Middlesex-st., Whitechapel, London, licensed victualler.

*Jan. 10 at 10, before the CHIEF COMMISSIONER.*

*Edwin Jewitt*, Priory-street, Camden-town, Middlesex, engraver on wood.—*Wm. Inglis*, John-street, Fitzroy-square, Middlesex, baker.—*Thomas A. Gay*, Southampton-buildings, law stationer.—*Wm. Brown*, Clarendon-street, Somers-town, Middlesex, out of business.—*Henry Sheltoe*, Barking, Essex, smack owner.—*Wm. Hancock*, Quadrant-road, Highbury, New Park Greens, Stoke Newington, Middlesex, builder.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Kent, at MAIDSTONE, Jan. 9 at 12.*

*James Ransley*, Maidstone, coachbuilder.—*J. Carpenter*, Ashburnham-grove, Greenwich, painter.—*Edward Finch*, Rochester, baker.

*At the County Court of Devonshire, at EXETER, Jan. 9.*

*Richard Holland*, Spreyton, clerk.

*At the County Court of Staffordshire, at STAFFORD,*

*Jan. 10 at 11.*

*Thomas Wareham*, Wolstanton, collier.

*At the County Court of Worcestershire, at WORCESTER,*

*Jan. 10 at 10.*

*Benjamin Milton*, Stourport, iron moulder.—*W. Richards*, Stourbridge, engineer.—*Henry Pound*, Mathon, baker.—*B. Hammond*, Kidderminster, carrier's clerk.

*At the County Court of Northumberland, at NEWCASTLE-UPON-TYNE, Jan. 11 at 10.*

*George Hornsby*, North Shields, Tynemouth, builder.—*George Temperley*, Newcastle-upon-Tyne, commission coal vendor.

*At the County Court of Oxfordshire, at OXFORD, Jan. 12 at 10.*

*Thomas Fletcher*, Horley, grocer's assistant.

*At the County Court of Warwickshire, at WARWICK, Jan. 15.*

*David Briggs*, Birmingham, tobacconist.—*Edward Baker*, Birmingham, watchmaker.—*William O. Giles*, Birmingham, attorney's clerk.—*John Bradbury*, Birmingham, out of business.—*John Nightingale*, Fillongley, out of business.

*At the County Court of Monmouthshire, at MONMOUTH, Jan. 19.*

*Edward Skyrme the elder*, Marshfield, farm bailiff.

**INSOLVENT DEBTOR'S DIVIDEND.**

*Thomas Shenton*, Stafford, shoe manufacturer, Jan. 2, at Buxton's, Stafford: 6d. in the pound.

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# The Jurist

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LONDON, JANUARY 6, 1855.

DISCOURSE has often been had of Sunday, moral, theological, political, but seldom of Sunday legal; and yet the question—how has Sunday been treated by the law?—is not altogether without interest, as it is connected with those modifications of public feeling and opinion which have marked successive phases of English society. At common law, all acts, except, perhaps, those of a judicial nature, might be done on a Sunday. Before the Reformation, fairs and markets were commonly held on Sunday, and their legality seems to have been recognised after the Reformation\*. Blackstone states, however, that the laws of King Athelstane forbade all merchandise on the Lord's day; and a statute in the reign of Henry VI, (27 Hen. 6, c. 5), after reciting the "abominable injuries and offences done to Almighty God and to his saints (always aiders and singular assisters in our necessities) because of fairs and markets upon their high and principal feasts, as (amongst other days) on Trinity Sunday with other Sundays, . . . . for great earthly covetise," enacts, that all manner of fairs and markets on Sundays shall cease from all shewing of any goods or merchandises, (necessary victual only except), upon pain of forfeiture of all the goods so shewed, (the four Sundays in harvest except†).

Sports, however, were continued on Sundays, although they were afterwards discountenanced, for John Stowe, in his Survey of London, (1598), tells us, that "the youths of this city also have used on holy days, after evening prayer, at their masters' doors, to exercise their waistlers and bucklers, and the maidens, one of

them playing on a timbrel, in sight of their masters and dames, to dance for garlands hanged thwart of the streets; which open pastimes in my youth being now suppressed, worsser practices within doors are to be feared." (Vol. 1, p. 303, 6th ed.)

It is curious that the somewhat heavy and unamusing, although very moral, King James I, should have encouraged sports on a Sunday; while the chief statute against the profanation of that day was passed in the reign of the profligate Charles II.

In 1618 King James I publicly declared to his subjects, in "The Book of Sports," the following games to be lawful—dancing, archery, leaping, vaulting, May games, Whitsun-ales, morris-dances, and set-up may-poles and other sports therewith used, and commanded that no such honest mirth or recreation should be forbidden to his subjects upon the Sunday or holy days after evening service, but restraining all recusants and all such as absent themselves from church from this liberty, and commanding each parish to use these recreations by itself, and prohibiting all unlawful games, bear-baiting, bull-baiting, interludes, and bowling, the meaner sort. (See Dalton, c. 46). It is with reference to this proceeding that Hume says—"At the same time that James shocked in so violent a manner the religious principles of his Scottish subjects, he acted in opposition to those of his English. He had observed, in his progress through England, that a judaical observance of the Sunday, chiefly by means of the Puritans, was every day gaining ground throughout the kingdom, and that the people, under colour of religion, were, contrary to former practice, debarred such sports and recreations as contributed both to their health and their amusement. Festivals, which in other nations and ages are partly dedicated to public worship, partly to mirth and society, were here totally appropriated to the offices of religion, and served to nourish those sullen and gloomy contemplations to

\* See the authorities cited in Rawlins, App., *The Overseers of West Derby, Resps.*, (2 C. B. 74).

† The exception of the four Sundays in harvest is the reservation of an old, not the creation of a new, right. (2 C. B. 74, note (d)).



which the people were of themselves so unfortunately subject. The King imagined that it would be easy to infuse cheerfulness into this dark spirit of devotion. He issued a proclamation to allow and encourage, after divine service, all kinds of lawful games and exercises; and by his authority he endeavoured to give sanction to a practice which his subjects regarded as the utmost instance of profaneness and impiety.\* And he adds, in a note, "To shew how rigid the English, chiefly the Puritans, were become in this particular, a bill was introduced into the House of Commons, in the eighteenth of the King, for the more strict observance of the Sunday, which they affected to call the 'Sabbath.' One Shepherd opposed this bill, objected to the appellation of 'Sabbath' as puritanical, defended dancing by the example of David, and seems even to have justified sports on that day. For this profaneness he was expelled the House, by the suggestion of Mr. Pym. The House of Lords opposed so far this puritanical spirit of the Commons, that they proposed that the appellation of 'Sabbath' should be changed into that of the 'Lord's day.' In Shepherd's sentence his offence is said by the House to be great, exorbitant, and unparalleled.\*" And after the death of James it was enacted, (by the stat. 1 Car. 1, c. 1), that there shall be no concourse of people, out of their own parishes, on the Lord's day, for any sport or pastimes, nor any bear-baiting, bull-baiting, interludes, common plays, or other unlawful exercises and pastimes used by any persons within their own parishes; the penalty being 3s. 4d. to the poor, or being set in the stocks for three hours.

This was followed by the 3 Car. 1, c. 1, prohibiting carriers from travelling and butchers from killing or selling victual on the Sunday†.

With the view of counteracting the sourness of the Puritans, Charles, in 1633, shortly after Prynne had been set in the pillory, renewed his father's edict for allowing sports on Sunday, adding thereto wakes and all manlike exercises, and ordered it to be read by the clergy after divine service. Many who were puritanically affected refused to do so, and were punished by suspension or deprivation. (6 Hume, 299).

By the 29 Car. 2, c. 7, no tradesman or other person shall exercise any worldly business of their ordinary callings upon the Lord's day, works of necessity and charity only excepted. (Sect. 1). But the act is not to extend to prohibit the dressing of meat in families, or dressing or selling meat in inns, cook-shops, or victualling-houses for such as cannot otherwise be provided; nor to the crying and selling of milk before nine o'clock in the morning or after four o'clock in the afternoon. (Sect. 3). No drover, horse-courser, waggoner, butcher, or higgler, is to travel or come into his inn or lodging on that day. (Sect. 2). The prosecution for the penalty must be commenced within ten days after the offence committed, (sect. 4); and it has been decided that only one penalty can be recovered for any number of acts of trading by the same person on the same Sunday‡. The service of process on a Sunday (except in cases of treason, felony, and breach of the peace) is void. (Sect. 6). By the 10 & 11 Will. 3, c. 24, s. 14, this statute is not to prohibit the crying or selling of mackerel before or after divine service, nor (by 2 Geo. 3, c. 15, s. 7) the tra-

velling of fish carriages, whether laden or returning empty\*.

We may here cite the case of *Rex v. Younger*, (5 T. R. 449), in which the Court held, that the statute of Charles II did not prohibit a baker baking dinners for his customers on a Sunday; and Lord Kenyon, C. J., said, "I think we should construe it (the statute) equitably, so that it may answer the purposes of public convenience, taking care, at the same time, that Sunday should not be profaned. It was extremely wise to put a mark on that day; by observing it Christianity may be kept alive. I agree with Foster, J., that I am for an observation of the Sabbath, but not for a pharisaical observation of it. But must the laborious part of the community, who are entitled to some indulgence for the labours of the past week, fare harder on that than on any other day? They must be fed on that day; many of them have not the means of dressing their dinners at home, and those who have will, if this defendant be convicted, be prevented observing the Sabbath."

### THE ETIQUETTE OF COLONIAL JUDICIAL APPOINTMENTS.

THE following petition to the Queen, very numerously signed, has been sent home from Van Diemen's Land, as a remonstrance against what the petitioners deem an infringement of the usual course of judicial appointments in the colonies:—

*"To Her Most Gracious Majesty Victoria, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith."*

"The humble petition of the undersigned inhabitants of Van Diemen's Land,

"Sheweth—That your Majesty's petitioners cherish the warmest sentiments of loyalty and devotedness to your Majesty's most gracious person and government.

"That a vacancy has recently occurred in the office of your Majesty's Chief Justice of this colony, in consequence of the resignation of Sir John Lewis Pedder on the ground of ill health.

"That your petitioners have learned, with feelings of disappointment and alarm, that Valentine Fleming, Esq., your Majesty's Attorney-General, has been appointed to the said vacant office of Chief Justice, to the exclusion of the superior claims of Mr. Justice Horne, the present puisne judge.

"That the said Mr. Justice Horne has held his office as puisne judge for a period of four years, during which time, by his skill and ability as a civil and criminal judge, as well as by his strict integrity and impartiality, he has secured the confidence and respect of your Majesty's subjects in this colony.

"That, considering the unimpeachable character of Mr. Justice Horne, your petitioners had no reason to believe that any other rule would be resorted to in

\* The stat. 7 & 8 Geo. 4, c. lxxv, contains regulations relative to watermen plying and working on the Thames on a Sunday, and repeals so much of the 29 Car. 2, c. 7, as prevents travelling by water on a Sunday.

By the 1 & 2 Will. 4, c. 22, s. 27, hackney coachmen or chairmen may exercise their calling on a Sunday.

By the 1 & 2 Will. 4, c. 32, s. 3, killing game on a Sunday subjects the party to a penalty not exceeding 5l. and costs.

The 3 Will. 4, c. 19, ss. 26, 27, empowers the court of aldermen or two justices to regulate the route and conduct of persons driving stage-carriages, cattle, &c. during divine service.

The stats. 3 Geo. 4, c. 96, s. 16, and 6 & 7 Will. 4, c. 37, s. 14, relate to the baking of bread by bakers on Sundays.

Beer-houses, after being subject to many mutations, are now regulated in this respect by the well-known statute, 17 & 18 Vict. c. 79.

\* History of England, vol. 6, pp. 91, 92; and at p. 211 he says that the Puritans sanctified the Sabbath by the most melancholy indolence; and that the different appellations of this festival, "Sunday" or "Sabbath," were at that time (1625) known symbols of the different parties.

† Selling meat on Sundays is no offence at common law. (*Rex v. Brotherton*, 2 Str. 702; see also *Faulkner's case*, 1 Salk. 249).

‡ *Crepps v. Durdan*, (Cowp. 640).

filling up the vacancy now under consideration than that which has universally prevailed in the Australian colonies—that of quiet and undisputed succession in the order of precedence from the senior puisne judgeship to the Chief Justiceship.

"That the only ground upon which the exclusion of Mr. Justice Horne in favour of Mr. Fleming has been supported is the right which your Majesty's Attorney-General in England is understood to have to the first Chief Justiceship which happens to fall vacant during his tenure of office.

"That the practice in question has, your petitioners believe, been condemned, even as inapplicable to England, by the highest legal authority, as having a tendency to impair to some extent the impartiality of the Bench; but in these colonies, not only has the practice never been adopted, but the rule as to succession in the order of seniority has been twice solemnly recognised and acted upon as the only rule calculated to shut out all hope of rising to the highest judicial office by means of subserviency to the Executive.

"That the first occasion upon which the rule of succession by seniority, and not by favour, was solemnly considered and affirmed, was upon the retirement of Sir Francis Forbes from the Chief Justiceship of your Majesty's colony of New South Wales. On that occasion the senior puisne judge was Mr. Justice Dowling, the junior puisne judge was Mr. Justice Burton. A claim was preferred by Mr. Justice Burton to the vacant Chief Justiceship, on the ground that he had held a commission in another colony—namely, the Cape of Good Hope—of date anterior to the commission of Mr. Justice Dowling; but it was then decided that the rule of seniority in New South Wales ought to prevail; and this decision was approved of by the Government of your Majesty's regal predecessor, his late Majesty King William IV.

"That the next occasion on which the rule of seniority was acted upon was the death of the late Sir James Dowling, your Majesty's Chief Justice of New South Wales. Mr. Justice Stephen was then senior puisne judge, but the vacant office was claimed by your Majesty's Attorney-General, on the express ground of the English precedent. The question was decided in favour of the present Chief Justice, Sir Alfred Stephen, although Mr. W. Plunkett had long and faithfully served your Majesty in his said office of Attorney-General; and your petitioners believe that the rule of succession by seniority is the one best calculated to secure the independence of the judges who in these colonies hold office during your Majesty's pleasure.

"That on the retirement of Mr. Justice Oliphant from the office of Chief Justice of your Majesty's colony of Ceylon, he was succeeded by the puisne judge, apparently as a matter of course, and not by your Majesty's Advocate-General, whose office is precisely similar to that of your Majesty's Attorney-General in this colony.

"That to intrust to the governors of your Majesty's Australian colonies the power to interfere with the rule which has hitherto prevailed is subject to the strong constitutional objection of placing it in the power of an Executive, not responsible to the Legislature, to exalt one of its own members, on purely party considerations, to an office which ought to be entirely above suspicion.

"That whatever claims or qualifications Mr. Fleming may derive from the circumstance of his having held the office of your Majesty's Attorney-General in this colony belong in a far higher degree to Mr. Justice Horne, who held and faithfully discharged the office of Attorney-General for a considerable period, and has since as faithfully discharged the office of puisne judge.

"That it may be presumed, that, in giving up the superior emoluments of the office of Attorney-General and a large private practice, Mr. Justice Horne looked forward with a reasonable degree of certainty to succeed

to the office of Chief Justice; and it is precisely that certainty of succession which, your Majesty's petitioners respectfully and humbly urge, forms the only security for the impartiality on the bench which your Majesty's faithful subjects in these colonies enjoy.

"Your petitioners, therefore," &c.

## Court Papers.

### COMMON-LAW SITTINGS, IN AND AFTER HILARY TERM, 1855.

#### Court of Queen's Bench.

##### In Term.

MIDDLESEX.	LONDON.
1st sitting .. Friday .. Jan. 12	1st sitting, Wednesd., Jan. 17
2nd sitting .. Friday .. 19	2nd sitting, Wednesday .. 24
3rd sitting .. Friday .. 26	
For undefended causes only.	

##### After Term.

Thursday .. Feb. 1	Monday .. Feb. 12
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The Court will sit at ten o'clock every day.

The causes in the list for each of the above sitting days, in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

#### Court of Common Pleas.

##### In Term.

MIDDLESEX.	LONDON.
Tuesday .. Jan. 16	Friday .. Jan. 19
Tuesday .. 23	Friday .. 26

##### After Term.

Thursday .. Feb. 1	Monday .. Feb. 12
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The Court will sit during and after term at ten o'clock.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

#### Exchequer of Pleas.

##### In Term.

MIDDLESEX.	LONDON.
1st sitting, Friday .. Jan. 12	There will be no Sittings in Term.
2nd sitting, Monday .. 22	

##### After Term.

Thursday .. Feb. 1	Monday .. Feb. 12
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The Court will sit during and after term at ten o'clock.

The Court will sit in Middlesex, at Nisi Prius, in term, by adjournment from day to day, until the causes entered for the respective Middlesex Sittings are disposed of.

### COMMON-LAW CAUSE LISTS, HILARY TERM, 1855.

#### Court of Queen's Bench.

##### NEW TRIALS.

REMAINING UNDETERMINED AT THE END OF THE SITTINGS AFTER MICHAELMAS TERM, 1854.

FOR JUDGMENT.	Gloster—Roberts & Wife v. Phillips & an.
Wilts—Kendall v. Wilkinson	

##### FOR ARGUMENT.

##### HILARY TERM, 1854.

<p>           Lond.—Nicoll v. Oliver            Hill v. Oliver            " Brodie v. Oliver         </p>	<p>           Stand over till the case of <i>Mitcherson v. Oliver</i> (in error) is disposed of.         </p>
<p>           MICH. TERM, 1854.            Midd.—Young v. White &amp; ors.            Salop—Lloyd &amp; ors. v. Earl of Powis         </p>	<p>           Norwich—Fyson &amp; an. v. Kitton            Suffolk—Brown v. Shave            North'ton—Warren v. Ireson &amp; an.            Reg. v. Botfield         </p>
<p>           Stafford—Farley v. Danks            Huntingdon—Reg. v. Inhabs. of Bedfordshire         </p>	<p>           York—Sadler v. Henlock         </p>

York—Jennings v. Roberts  
 Durham—Wakley & ors. v.  
     Backhouse & ors.  
 Northumberland—Crafter v.  
     Archbold  
 Carlisle—Pears v. Harding  
 Liverpool—Hartley v. Pon-  
     sonby  
     Hocking v. Pon-  
     sonby  
     Steele v. Schom-  
     berg

Liverpool—Reg. v. Petrie &  
     ors.  
     Schofield, an in-  
     fant, v. Schunck  
 Denbigh—Mostyn v. Ogilvie  
     *Tried during Term.*  
 Midd.—Hartborne v. James  
 London—Johnston v. Roberts  
     Hamond v. M'Cree  
     Edward v. Trevellick  
     Greathed v. De-  
     merara Railway Co.

Smith, App., Douglas, Resp.  
 (County Court Appeal)  
 Borthwick, App., Walton,  
 Resp. (County Court Ap.)

Gilkes v. Leonino  
 Farnell v. Smith  
 Alexander v. Hodderaley  
 Stratton v. Pettit.

CUR. ADV. VULT.  
 Jenkins v. Betham.

### Court of Exchequer.

SITTINGS—HILARY TERM, 1855.

*Days in Term.*

Thursday.....	Jan. 11	Motions and Peremptory Paper.
Friday.....	12	Errors, Peremptory Paper, & Motions.
Saturday.....	13	.....
Monday.....	15	.....
Tuesday.....	16	.....
Wednesday.....	17	Special Paper.
Thursday.....	18	Circuits chosen.
Friday.....	19	.....
Saturday.....	20	Crown Cases.
Monday.....	22	Special Paper.
Tuesday.....	23	.....
Wednesday.....	24	Special Paper.
Thursday.....	25	.....
Friday.....	26	.....
Saturday.....	27	.....
Monday.....	29	.....
Tuesday.....	30	.....
Wednesday.....	31	.....

*Banc.*

*Days in Term.*

Friday.....	Jan. 12	Middlesex, first Sitting.
Monday.....	22	Middlesex, second Sitting.

*Nisi Prius.*

### NEW TRIALS.

FOR JUDGMENT.

*Moved Easter Term, 1853.*

London.—Lawes v. Bachelor  
     Same v. Same  
     Gibson v. Sturge  
     Barstow v. Reynolds

FOR ARGUMENT.

*Moved Mich. Term, 1854.*

London.—Elsam v. Hall  
     Rawlings v. Chandler  
     Frost v. Heath  
     Egan v. Sykes  
     West v. Binks  
     De Benardy v. Hard-  
     ing

Chelmsford.—Dobie v. Larkan  
 Guildford.—Cornwell v. Me-  
 tropolitan Com-  
 missioners of  
 Sewers

    Jauncey v. Same  
     Boyle v. Wiseman  
     Clements v. Pol-  
     lard

Northamp.—Pell v. Shearman

Leicester.—Barnett v. Earl of  
 Guildford

Lincoln.—Harding v. Roberts  
 Warwick.—Abbott v. Butt

    Pritchett v. Law-  
     rence

Stafford.—Simpson v. Eggin-  
 ton

York.—Carter v. Pybus  
     Harper v. North-east-  
     ern Railway Co.

    Hope v. Meek  
 Carlisle.—Topping v. Hethe-  
 rington

Lancaster.—Procter v. Hodg-  
 son

Liverpool.—Evans v. Robinson  
     Graves v. Legg

Chester.—Booth v. Bourne  
     Davies v. Roper

*Moved after the fourth Day of  
 Mich. Term, 1854.*

London.—Smart v. Guardians,  
     &c. of West Ham  
     Union.

    Cuthbert v. Cumming.

### PEREMPTORY PAPER.

*To be called on the first Day of Term after the Motions,  
 and to be proceeded with the next Day, if necessary, before  
 the Motions.*

Morewood v. Tupper  
 Reed v. Aikin  
 Drayson v. Andrews  
 Kendall v. Symonds  
 Smith v. Duvall  
 In re Hill v. Swift  
 Brebner v. Harrison

Phelps v. St. John  
 Jamieson v. Trevelyan  
 Hinton v. Mead  
 Kimpton v. London and  
 North-western Railway Co.  
 Peachey v. Gear.

### SPECIAL PAPER.

FOR ARGUMENT.

Stewart v. M'Kean  
 Heald v. Kenworthy (Part hd.)  
 Pauling v. Mayor of Dover

Baines v. Holland  
 Mourilyan v. Curling  
 Porritt v. Baker.

### SPECIAL CASES AND DEMURRERS

FOR HILARY TERM, 1855.

Those marked thus \* are Special Cases, and thus † Demurrers.

FOR JUDGMENT.

\*Bostock v. North Stafford-  
 shire Railway Co.  
 †Mayor, &c. of Norwich v.  
 Norfolk Railway Co.  
 †Breary v. Kemp & an.  
 Hey v. Appleyard & an. (Spe-  
 cial verdict)

FOR ARGUMENT.

†Owens v. Wynne & an.  
 †Hughes v. Wynne & an.  
 †Jones v. Wynne & an.  
 †R. Roberts v. Wynne & an.  
 †E. Roberts v. Wynne & an.  
 †Steele v. Schomberg

†Hall & an. v. Janson  
 †Powers v. Fowler  
 \*Lee v. Lee  
 \*Lord Wellesley v. Withers  
 †Gold v. Booth  
 \*Morewood v. Pollok  
 †Price v. Barker & an.  
 \*Charing Cross Bridge Co. v.  
 Mitchell  
 Dixon & ors. v. Whitehead  
 (Appeal from Oldham  
 County Court)  
 †Gibson & an. v. Bradford  
 †Harrison v. St. Katherine  
 Dock Co.  
 †Carling v. Ridley & ors.

### ENLARGED RULES

FOR HILARY TERM, 1855.

*First Day.*

Rainforth v. Hamer  
 Gore v. Baker  
 In re Henry Parker & ors.  
 Cavendish & an. v. Houghton  
 Mackenzie v. Sligo and Shan-  
 non Railway Co.  
 Same v. Same  
 Same v. Same  
 Mutrie v. Younghusband  
 In re Jacob Choaks & Edward  
 Hope  
 Taylor v. Nesfield

Reg. v. Justices and Treasurer  
 of the East Riding  
 Same v. Justices and European  
 and Electric Printing Tele-  
 graph Co.  
 Same v. Marshall  
 Same v. Sheriff and Treasurer  
 of Warwickshire

*Fifth Day.*

In re Marquis of Hertford v.  
 Thomas Griffin  
 Marquis of Hertford v. Cooke.

### CROWN PAPER, HILARY TERM, 1855.

London.....	Reg. v. Moss.
Manchester ..	The Postmaster-General.
Middlesex....	Inhabs. of St. George, Bloomsbury.
Devonshire ..	Parish Officers of Staverton.
Yorkshire ....	Inhabs. of the Township of Halifax.

### Court of Common Pleas.

NEW TRIALS.

*Moved Hilary Term, 1854.*

Midd.—Allsop v. Brittain.

*Moved Mich. Term, 1854.*

Midd.—Lefroy v. Cridland

    Castrigne v. Trout-  
     beck

Midd.—Wilmott v. Erskine

London.—Edwards v. Hodges

    Benjamin v. Benjamin

    Harnor v. Groves

    Smart v. Harding.

### ENLARGED RULES.

*Second Day.*

Neave v. Mills  
 Wilson v. Morrell

*Until after Action tried in  
 Queen's Bench.*

Dawson v. Williams.

### DEMURRER PAPER.

*Saturday, Jan. 13.*

Cottrell v. Hughes  
 Northampton Gas-light Co. v.  
 Parnell  
 Same v. J. Parnell

Armstrong v. Martinez  
 Towns v. Mead  
 Bell v. Young  
 Bowes v. Ravensworth  
 Taylor v. Robinson

## London Gazette.

FRIDAY, DECEMBER 29, 1854.

## BANKRUPTS.

**SAMUEL LAMPKIN**, Gibson-street, Oakley-street, Lambeth, Surrey, baker, Jan. 13 and Feb. 9 at 12, Court of Bankruptcy, London: Off. Ass. Cannan; Sol. Moss, 55, Gracechurch-street, London.—Petition filed Dec. 20.

**GEORGE FIFOOT LYDE**, Church-passage, Basinghall-street, London, sewed muslin and lace maker, Jan. 6 at 12, and Feb. 9 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Lloyd & Rule, 26, Milk-street, Cheapside, London.—Petition filed Dec. 28.

**JAMES ATKINSON** and **ALFRED ATKINSON**, Huntingdon, drapers, dealers and chapmen, Jan. 6 at half-past 11, and Feb. 16 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Sole & Co., 68, Aldermanbury, London.—Petition dated Dec. 20.

**HENRY ALBERT LINFORD**, Girdlers' Arms, Sherborne-lane, London, tavern and eating-house keeper, (partner in trade with William Richardson), Jan. 8 at 12, and Feb. 8 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Pollock, 54, Bessborough-street, Belgrave-road.—Petition filed Dec. 28.

**GEORGE JAMES LOE**, Chertsey, Surrey, builder, dealer and chapman, Jan. 13 and Feb. 6 at 1, Court of Bankruptcy, London: Off. Ass. Lee; Sols. Lovett, Guildford, Surrey; Jaquet, 9, New-inn, Strand, London.—Petition filed Dec. 18.

**CHARLES MARYON CROOKS**, Church-row, Houndsditch, London, licensed victualler, wine and spirit merchant, dealer and chapman, Jan. 13 and Feb. 6 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Trehern & White, 13, Barge-yard-chambers, Bucklersbury, London.—Petition filed Dec. 20.

**JAMES MORTIMER**, Grosvenor-road, Abbey-road, St. John's-wood, Middlesex, builder, Jan. 2 at half-past 2, and Feb. 2 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Parker & Co., (and not Whitehouse, as before advertised), 17, Bedford-row, London.—Petition filed Dec. 20.

**WILLIAM KINTON GIBBS**, Dudley, Worcestershire, grocer and provision dealer, Jan. 8 and 29 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Smith, Herveley-heath, Worcestershire; Motteram & Knight, Birmingham.—Petition dated Dec. 22.

**ANN WILKINSON**, Croomere, Ellesmere, Shropshire, innkeeper, Jan. 6 and 26 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Wace, Ellesmere, Shropshire; Motteram & Knight, Birmingham.—Petition dated Jan. 24.

**BARTHOLOMEW STEEL**, Sheffield, Yorkshire, glass, china, and earthenware dealer, Jan. 13 and Feb. 10 at 12, District Court of Bankruptcy, Sheffield: Off. Ass. Brewin; Sol. Fernell, Sheffield.—Petition dated Dec. 20; filed Dec. 21.

**ISADORE BERNSTEIN**, (sometimes called JOSEPH BERNSTEIN), formerly of Essex-st., Strand, Middlesex, outfitter; afterwards of California, America; more recently of Melbourne, Victoria, South Australia; and now of Liverpool, Lancashire, commission agent and merchant, Jan. 8 and 30 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Evans & Son, Liverpool.—Petition filed Oct. 21.

**GEORGE BRAND HUSSEY**, Plymouth, Devonshire, innkeeper, dealer and chapman, Jan. 8 and Feb. 5 at 1, District Court of Bankruptcy, Plymouth: Off. Ass. Hirtzel; Sols. Gibson & Moore, Plymouth.—Petition filed Dec. 22, (and not Dec. 23, as before advertised).

**JOHN MARSHALL**, Todmorden, Yorkshire, cotton spinner and innkeeper, dealer and chapman, Jan. 9 at 12, and Feb. 6 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Hammerton, Todmorden; Bond & Barwick, Leeds, (omitted in the Gazette of Dec. 22).—Petition dated Dec. 19.

## MEETINGS.

*Henry J. Nash*, Crown-court, Cheapside, London, woollen warehouseman, Jan. 10 at half-past 1, Court of Bankruptcy, London, pr. d.—*William Waithman*, Yealand Conyers and

Manchester, Lancashire; Higher Bentham and Lower Bentham, Yorkshire; and Holme Mills, and Milnthorpe, and Gate Beck, Westmoreland, flax merchant, Jan. 26 at 12, District Court of Bankruptcy, Manchester, last ex.—*Thomas Rutter*, Cambridge, brewer, Jan. 12 at half-past 12, Court of Bankruptcy, London, and ac.—*James Russell*, Chichester, cabinet maker, Jan. 11 at 12, Court of Bankruptcy, London, and ac.—*Thomas Clark*, Croydon, Surrey; Furnival's-inn, Holborn, London; and Marlborough-road, St. John's-wood, Middlesex, licensed victualler, Jan. 11 at 11, Court of Bankruptcy, London, and ac.—*Henry Hill*, High-street, Hampstead, Middlesex, builder, Jan. 11 at 12, Court of Bankruptcy, London, and ac.; Jan. 19 at 1, div.—*Wm. Paton*, Bread-st., London, warehouseman, Jan. 11 at 12, Court of Bankruptcy, London, and ac.—*Bodham B. Wisker*, Castle-st., Holborn, London, tailor, Jan. 11 at 11, Court of Bankruptcy, London, and ac.—*Wm. Pinnock*, St. James-terrace, Harrow-road, Middlesex, flour factor, Jan. 11 at half-past 11, Court of Bankruptcy, London, and ac.; Jan. 19 at half-past 12, div.—*Thomas A. Readwin*, Winchester-buildings, Great Winchester-st., London, dealer in shares, Jan. 11 at 12, Court of Bankruptcy, London, and ac.; Jan. 19 at 1, div.—*Owen Evans*, Westbourne-terrace, Hyde-park, Middlesex, surgeon, Jan. 11 at half-past 11, Court of Bankruptcy, London, and ac.; Jan. 19 at half-past 11, div.—*Abraham Clarkson*, Reading, Berkshire, licensed victualler, Jan. 11 at 11, Court of Bankruptcy, London, and ac.; Jan. 19 at 11, div.—*Thomas Bray*, Chelmsford, Essex, architect, Jan. 11 at 11, Court of Bankruptcy, London, and ac.—*John Webb*, Rayleigh, Essex, grocer, Jan. 11 at half-past 11, Court of Bankruptcy, London, and ac.—*John Harwood*, Blackburn, Lancashire, tailor, Jan. 10 at 12, District Court of Bankruptcy, Manchester, and ac.—*John Thornley*, Bolton-le-Moors, Lancashire, drysalter, Jan. 9 at 12, District Court of Bankruptcy, Manchester, and ac.—*Peter Ormerod*, *George Heyworth*, *Timothy Heyworth*, *Edmund Bridges*, and *Robert Crossley*, Egypt Mill, near Rawtenstall, Lancashire, cotton manufacturers, Jan. 19 at 12, District Court of Bankruptcy, Manchester, and ac.; Jan. 26 at 12, div.—*Charles E. Mallam*, Tunbridge Wells, Kent, innkeeper, Jan. 20 at 1, Court of Bankruptcy, London, div.—*Archibald Leslie* and *Wm. Smith*, St. Dunstan's-hill, London, merchants, Jan. 20 at half-past 12, Court of Bankruptcy, London, div.—*Charles R. Roper*, Church-street and Bohemia-place, Hackney, Middlesex, chemist, Jan. 19 at 1, Court of Bankruptcy, London, div.—*Thomas Coleman*, Highwood, Yarpole, Herefordshire, and *Edward Wellings*, Ludlow, Shropshire, bankers, Jan. 23 at 12, Court of Bankruptcy, London, div. joint est., and div. sep. est. of *Thomas Coleman*.—*Walter Cobbett*, Bear-gardens, Surrey, plumber, Jan. 19 at 1, Court of Bankruptcy, London, fin. div.—*Edward C. Fyffe* and *Ebenezer W. Fyffe*, Howford-buildings, Fenchurch-street, London, and *Edward Fyffe* the younger, Calcutta, East Indies, merchants, Jan. 19 at 12, Court of Bankruptcy, London, div. joint est., and div. sep. ests.—*Thomas Gadd*, New Fishbourne, Sussex, farmer, Jan. 19 at 2, Court of Bankruptcy, London, div.—*Benjamin West*, Fleet-street, London, and St. James's-walk, Clerkenwell, Middlesex, bookseller, Jan. 19 at half-past 1, Court of Bankruptcy, London, div.—*George N. Grane*, Chailey, Sussex, surgeon, Jan. 19 at half-past 11, Court of Bankruptcy, London, div.—*Thomas Wigfall*, Sheffield, Yorkshire, table-knife manufacturer, Jan. 20 at 12, District Court of Bankruptcy, Sheffield, div.

## CERTIFICATES.

*To be allowed, unless Cause be shewn to the contrary on or before the Day of Meeting.*

*Edward Bivan*, King William-street, London, watchmaker, Jan. 19 at 12, Court of Bankruptcy, London.—*George Satterfield*, Ipswich, Suffolk, grocer, Jan. 19 at 12, Court of Bankruptcy, London.—*Henry Luching*, Corringham, Essex, grocer, Jan. 19 at 1, Court of Bankruptcy, London.—*Henry B. Mason*, Windmill-street, Haymarket, Middlesex, licensed victualler, Jan. 19 at half-past 12, Court of Bankruptcy, London.—*Lydia Wood* and *Charles Henry Wood*, Willow-walk, Bermondsey, Surrey, carpenters, Jan. 19 at 1, Court of Bankruptcy, London.—*Wm. Dunkley*, Daventry, Northamptonshire, grocer, Jan. 19 at 11, Court of Bankruptcy, London.—*Wm. Chenworth*, Manchester, merchant, Jan. 26 at 12, District Court of Bankruptcy, Manchester.—*Timothy Heyworth* and *Robert Crossley*, Egypt Mill, near Rawtenstall, Lancashire, cotton manufacturers, Jan. 19 at 12, District Court of Bankruptcy, Manchester.

*To be granted, unless an Appeal be duly entered.*

**Michael Austin Studden**, Launceston, Cornwall, gas manufacturer.—**Samuel Garratt**, Perran-wharf, near Penryn, Cornwall, contractor.—**Henry Cobbin Welsford**, Tewkesbury, Gloucestershire, corn factor.—**Samuel Hammond**, Leeds, Yorkshire, flax spinner.

#### PARTNERSHIPS DISSOLVED.

**Henry Phillips** and **Edward Augustus Marsden**, Sise-lane, Bucklersbury, London, attorneys and solicitors.—**Frederick Halsey Janson** and **Charles Cooper**, Basinghall-street, London, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

**James Herbertson & Brothers**, Glasgow, wrights.—**Wm. Douglas**, Glasgow, stationer.

#### INSOLVENT DEBTORS

*Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.*

**Christmas Houlton**, Litchurch, Derbyshire, labourer, Jan. 13 at 12, County Court of Derbyshire, at Derby.—**Charles Robert Newbert Bromwich**, Litchurch, Derbyshire, railway clerk, Jan. 13 at 12, County Court of Derbyshire, at Derby.—**J. Baker**, Derby, carpet manufacturer, Jan. 13 at 12, County Court of Derbyshire, at Derby.—**Michael Doyle**, Derby, shoemaker, Jan. 13 at 12, County Court of Derbyshire, at Derby.—**Edward Woolton**, Derby, horse dealer, Jan. 13 at 12, County Court of Derbyshire, at Derby.—**John Young**, Derby, publican, Jan. 13 at 12, County Court of Derbyshire, at Derby.—**John Stimpson**, Wolverton, Buckinghamshire, shoemaker, Jan. 15 at 12, County Court of Buckinghamshire, at Newport Pagnell.—**Daniel Hayward** and **Ledger Hayward**, Canterbury, Kent, coachbuilders, Jan. 10 at 11, County Court of Kent, at Canterbury.—**Robt. Martin**, Sturry, Kent, farmer, Jan. 10 at 11, County Court of Kent, at Canterbury.—**Thos. H. Walkedon**, Rugeley, Staffordshire, corn factor, Jan. 10 at 11, County Court of Staffordshire, at Stafford.—**John Miles Robertson**, Gloucester, agent for the sale of wines, Jan. 18 at 10, County Court of Gloucestershire, at Gloucester.—**Geo. Ryder**, Barnwood, Gloucestershire, servant, Jan. 18 at 10, County Court of Gloucestershire, at Gloucester.—**W. Allen**, Corse, Gloucestershire, butcher, Jan. 23 at 11, County Court of Gloucestershire, at Newent.—**E. Turner**, Taunton St. James, Somersetshire, baker, Jan. 15 at 10, County Court of Somersetshire, at Taunton.—**T. H. Fawcett**, Caversham, Oxfordshire, innkeeper, Jan. 16 at half-past 10, County Court of Berkshire, at Reading.—**Catherine Ryan**, Llanddeniolon, Carnarvonshire, grocer, Jan. 17 at 11, County Court of Carnarvonshire, at Carnarvon.—**Jane Fisher**, Carlisle, Cumberland, dealer in glass, Jan. 22 at 10, County Court of Cumberland, at Carlisle.

*The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as hereinafter mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—*

*Jan. 12 at 10, before the CHIEF COMMISSIONER.*

**Thomas Dando**, Little Charlotte-street, Blackfriars-road, Surrey, tailor.—**John Lavender Gray**, Gerrard-street, Soho, Middlesex, tailor.—**Domenico Ugo Silvestro Valli**, St. John's-lane, Clerkenwell, Middlesex, manufacturer of the materials used in the making of artificial flowers.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Jan. 12 at 10, before the CHIEF COMMISSIONER.*

**Alexander Gibbs**, Allsop-terrace, New-road, St. Marylebone, Middlesex, artist in stained glass.—**Samuel Varley**, Harp-lane, Tower-street, London, out of business.—**Joseph Mash**, Upper Charlton-street, Fitzroy-square, Middlesex, coal dealer.—**John Clary**, Bradley-terrace, Wandsworth-road, Surrey, clerk to a brewer.—**F. Mailleprees**, Princes-street, Rotherhithe, Surrey, out of business.

*Jan. 12 at 10, before Mr. Commissioner MURPHY.*

**A. White**, St. Martin's-lane, Charing-cross, Middlesex, baker.—**James Holmes**, Brompton-crescent, Brompton, Middlesex, estate agent.—**David Eames**, Dunstable, Bedfordshire,

straw plait dealer.—**Wm. Morgan**, Park-place, Highbury-vale, Islington, Middlesex, clerk to the Star Packet Company.—**Wm. H. Webster**, Bryan-terrace, Caledonian-road, Islington, Middlesex, painter.

#### Adjourned Hearing.

**Mary Broom**, widow, Princes-square, St. George's-in-the-East, Middlesex, out of business.

*Jan. 13 at 11, before Mr. Commissioner PHILLIPS.*

**G. R. Layburn**, Sidney-terrace, Marlborough-road, Chelsea, Middlesex, out of business.—**George Hinwood**, Little Ormond-yard, Queen-square, Middlesex, assistant to a licensed victualler.—**Wm. Pearce**, Old-street-road, Middlesex, beer-shop keeper.—**Mary Ann Rose**, widow, York-street, City-road, Middlesex, out of business.—**J. G. Durkin**, Croydon, Surrey, chemist.—**Sarah Ailes**, spinster, Oval-cottages, Hackney-road, Middlesex, in no occupation.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Kent, at DOVER, Jan. 12 at 11.*

**Thomas Stickells**, Hastings, Sussex, tailor.

*At the County Court of Derbyshire, at DERBY, Jan. 13 at 12.*

**John T. Robson**, Derby, out of business.

*At the County Court of Warwickshire, at WARWICK, Jan. 15.*

**Thomas Knight**, Birmingham, out of business.

*At the County Court of Somersetshire, at TAUNTON, Jan. 15.*

**George Hewitt**, Skinner-street, Clerkenwell, Middlesex, out of business.—**Charles Bragg**, Piddletrenthide, near Dorchester, Dorsetshire, innkeeper.—**Wm. Bryant**, Dulverton, licensed victualler.—**A. S. Fulljames**, Bath, auctioneer.

*At the County Court of Gloucestershire, at BRISTOL, Jan. 18 at half-past 10.*

**John Harris**, Llantarnam, miller.

*At the County Court of Yorkshire, at KINGSTON-UPON-HULL, Jan. 19.*

**John Frankish**, Kingston-upon-Hull, auctioneer.

## TUESDAY, JANUARY 2.

### BANKRUPTS.

**HENRY NEWBY**, North-place, Kingsland-road, Middlesex, builder, dealer and chapman, Jan. 8 at 12, and Feb. 12 at 2, Court of Bankruptcy, London: Off. Ass. Bell; Sols. Budger & Collins, 37, King William-street, London.—Petition filed Dec. 30.

**RICHARD FRANK KENNEDY**, West Cowes, Isle of Wight, Southampton, chemist and druggist, Jan. 10 at half-past 12, and Feb. 24 at 1, Court of Bankruptcy, London: Off. Ass. Nicholson; Sols. Stokes, Cowes, Isle of Wight; Whitaker, 12, Lincoln's-inn-fields.—Petition dated Dec. 30.

**DAVID LEUDES DORF**, late of Lawrence-lane, but now of St. Martin's-le-Grand, London, commission agent and importer of foreign goods, Jan. 17 and Feb. 23 at 11, Court of Bankruptcy, London: Off. Ass. Nicholson; Sol. Reed, 11, Ironmonger-lane, London.—Petition dated Nov. 27.

**JOHN OVERBURY**, Frederick's-place, Old Jewry, London, woollen warehousman, dealer and chapman, Jan. 10 at 2, and Feb. 23 at half-past 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Winterbotham, Stroud, Gloucestershire; J. & J. H. Linklater, 17, Shoe-lane, London.—Petition dated Dec. 19.

**THOMAS RICHARDS**, Riches-court, Lime-street, London, dealer in wood and general agent, dealer and chapman, Jan. 13 at 1, and Feb. 16 at 2, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Wells, Founders' Hall, St. Swithin's-lane, London.—Petition filed Dec. 21.

**SIDNEY SPROD**, Bristol, cabinet maker and upholsterer, dealer and chapman, Jan. 12 and Feb. 12 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Salmon, Bristol.—Petition filed Dec. 29.

**JONATHAN PORRITT**, Gildersome, Batley, Yorkshire, worsted spinner, dealer and chapman, Jan. 26 and Feb. 23 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Wavell & Co., Halifax.—Petition dated Dec. 23.

**NAPHTALI HART**, Liverpool, butcher, formerly silver-smith and jeweller, dealer and chapman, Jan. 15 and Feb. 5 at 11, District Court of Bankruptcy, Liverpool; Off. Ass. *Cazenove*; Sol. *Dodge*, Liverpool.—Petition filed Dec. 26.

**THOMAS WADSWORTH**, Macclesfield, Cheshire, silk dealer, dealer and chapman, Jan. 17 and Feb. 7 at 12, District Court of Bankruptcy, Manchester; Off. Ass. *Fraser*; Sol. *Norris*, Macclesfield.—Petition filed Dec. 30.

**THOMAS THOMPSON**, Newcastle-upon-Tyne, licensed victualler, Jan. 9 at 12, and Feb. 22 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne; Off. Ass. *Baker*; Sols. *Hodge & Harle*, Newcastle-upon-Tyne; *Ludlow & Co.*, 38, Bedford-row, London.—Petition filed Dec. 19.

## MEETINGS.

*Charles Melen*, Birmingham, baker, Jan. 15 at half-past 10, District Court of Bankruptcy, Birmingham, pr. d.—*Wm. Tyres*, Blackfriars-road, Surrey, shoe manufacturer, Jan. 17 at 12, Court of Bankruptcy, London, last ex.—*R. Darlington*, Wigan, Lancashire, money scrivener, Jan. 17 at 12, District Court of Bankruptcy, Manchester, last ex.—*E. Snow*, High-street, St. Giles's, Middlesex, tea dealer, Jan. 16 at 12, Court of Bankruptcy, London, aud. ac.—*Joseph Thompson* the younger, Terrace, Kensington, Middlesex, draper, Jan. 19 at 11, Court of Bankruptcy, London, aud. ac.—*Henry John Nash*, Crown-court, Chapside, London, woollen warehouseman, Jan. 12 at 12, Court of Bankruptcy, London, aud. ac.—*Christopher Crew* and *Christopher Crew* the younger, Gertrude-street, Chelsea, Middlesex, builders, Jan. 12 at half-past 11, Court of Bankruptcy, London, aud. ac.—*William Makin* the younger, Manchester, provision dealer, Jan. 24 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Thomas Lightfoot*, Stockport, Cheshire, grocer, Jan. 17 at 1, District Court of Bankruptcy, Manchester, aud. ac.; Jan. 24 at 12, div.—*William Bate*, Manchester, baker, Jan. 17 at 1, District Court of Bankruptcy, Manchester, aud. ac.; Jan. 24 at 12, div.—*Ebenezer Williams*, St. David's, Pembroke-shire, druggist, Jan. 25 at 10, District Court of Bankruptcy, Bristol, aud. ac.—*John White*, Ormskirk, Lancashire, builder, Jan. 16 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; Jan. 24 at 11, div.—*Isaac Fletcher*, Liverpool, sharebroker, Jan. 11 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*J. Corbett*, Stourbridge, Worcestershire, saddler, Jan. 15 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac.—*James Rand*, Longton, Staffordshire, grocer, Jan. 25 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*John G. Cassaigne*, Salisbury-street, Strand, Middlesex, wine merchant, Jan. 25 at half-past 12, Court of Bankruptcy, London, div.—*Francis Hopkins*, Cambridge, brewer, Jan. 25 at half-past 1, Court of Bankruptcy, London, div.—*Robert Winter*, Brighton, Sussex, schoolmaster, Jan. 25 at 11, Court of Bankruptcy, London, div.—*James Purdy* and *Wm. Thos. Purdy*, King's Lynn, Norfolk, builders, Jan. 25 at 11, Court of Bankruptcy, London, div. joint est., and div. sep. est. of *James Purdy*.—*Richard Hadland*, St. Helen's, Lancashire, glass manufacturer, Jan. 23 at 11, District Court of Bankruptcy, Liverpool, div.—*John D. Neill* and *Henry Sanderson*, Liverpool, shipbrokers, Jan. 23 at 11, District Court of Bankruptcy, Liverpool, div.—*William Barratt*, Stourbridge, Worcestershire, butcher, Jan. 26 at 12, District Court of Bankruptcy, Birmingham, div.

## CERTIFICATES

To be allowed, unless Cause be shown to the contrary on or before the Day of Meeting.

*Henry Bois*, Fenchurch-street, London, and Addiscombe-road, Croydon, Surrey, merchant, Jan. 23 at 12, Court of Bankruptcy, London.—*J. H. Banks*, Little Queen-st., Holborn, Middlesex, engraver, Jan. 23 at 2, Court of Bankruptcy, London.—*Charles Davis* and *John Eaton*, Surbiton-hill, Kingston-upon-Thames, Surrey, builders, Jan. 24 at half-past 2, Court of Bankruptcy, London.—*W. Wade*, Northampton, leather seller, Jan. 24 at 1, Court of Bankruptcy, London.—*John Brown*, Winchester, Southampton, carpenter, Jan. 24 at 2, Court of Bankruptcy, London.—*George H. De Russell*, Birch-lane, London, merchant, Jan. 25 at 1, Court of Bankruptcy, London.—*Henry Brett*, Portsea, Southampton, grocer, Jan. 25 at 1, Court of Bankruptcy, London.—*Edward William Tuson*, Harley-street, Cavendish-square, Middlesex, boarding-house keeper, Jan. 25 at half-past 1, Court of Bankruptcy, London.—*Philip Rimer*, Gravesend, Kent, cigar merchant, Jan. 25 at 12, Court of Bankruptcy, London.—*Samuel*

*Bailey*, Davies-street, Berkeley-sq., Middlesex, hotel keeper, Jan. 25 at half-past 1, Court of Bankruptcy, London.—*John Matthews*, Newent, Gloucestershire, hallier, Jan. 23 at 11, District Court of Bankruptcy, Bristol.—*Joseph B. Godfrey*, Taunton, Somersetshire, coachmaker, Jan. 25 at 1, District Court of Bankruptcy, Exeter.—*Joseph Smith* and *Ralph Simpson*, Burnley, Lancashire, ironfounders, Feb. 1 at 12, District Court of Bankruptcy, Manchester.—*George Deane* and *Frederick Youle*, Liverpool, merchants, Jan. 24 at 11, District Court of Bankruptcy, Liverpool.—*Frederick Langman*, (and not *Longman*, as before advertised), Wolverhampton, Staffordshire, wholesale druggist, Jan. 18 at half-past 10, District Court of Bankruptcy, Birmingham.

To be granted, unless an appeal be duly entered.

*Joseph Chave*, Torquay, Devonshire, builder.—*R. Forshaw*, Liverpool, machine maker.—*Isaac Fletcher*, Liverpool, stockbroker.—*Richard Brownlow*, Ardwick, Manchester, gum manufacturer.

## PARTNERSHIPS DISSOLVED.

*James Miller* and *Anthony Carr*, Eastcheap, London, attornies and solicitors.—*John Finch* and *Charles Shephard*, Moorgate-street, London, attornies-at-law and solicitors.—*Richard Seaton Wright*, *George Frederick Smith*, and *John Shepherd*, Golden-square, Middlesex, attornies, solicitors, and Parliamentary agents.—*Samuel Staniland* and *Edward Atkinson*, Bowverie-street, Fleet-street, London, attornies-at-law and solicitors.—*Henry Kingsford*, *Henry Coare Kingsford*, and *Thomas Norman Wightwick*, Canterbury, Kent, attornies-at-law, solicitors, and conveyancers, (as far as regards the said *Henry Kingsford*).—*John Barlow* and *John P. Aston*, Manchester, attornies and solicitors.

## SCOTCH SEQUESTRATIONS.

*Wm. Readman*, Glasgow, merchant.—*Hugh Fraser*, Girvan, merchant.—*Alexander McFarlane & Co.*, Glasgow, carpet manufacturers.

## INSOLVENT DEBTORS

Who have filed their Petitions in the Court of Bankruptcy, and have obtained an Interim Order for Protection from Process.

*Evan Parry*, Aberdare, Glamorgan-shire, builder, Jan. 12 at 10, County Court of Glamorgan-shire, at Merthyr Tydvil.—*J. Lewis*, Redruth, Cornwall, veterinary surgeon, Jan. 11 at 10, County Court of Cornwall, at Redruth.—*James Hathaway*, Ewelme, Oxfordshire, baker, Jan. 23 at half-past 12, County Court of Berkshire, at Wallingford.—*Henry Watson*, Aldborough, Yorkshire, draper, Jan. 19 at 10, County Court of Yorkshire, at Kingston-upon-Hull.—*Peter Poynter*, Dover, Kent, out of business, Jan. 12 at 11, County Court of Kent, at Dover.—*David Evans*, Michaelstone-super-Avon, Glamorgan-shire, shoemaker, Jan. 13 at 10, County Court of Glamorgan-shire, at Neath.—*Edmund Fielder*, Alford, Surrey, blacksmith, Jan. 22 at 1, County Court of Surrey, at Godalming.—*J. Pickles*, Bradford, Yorkshire, hairdresser, Jan. 19 at 11, County Court of Yorkshire, at Bradford.—*Jeremiah F. Bill*, Wrockwardine, Shropshire, butcher, Jan. 19 at 10, County Court of Shropshire, at Wellington.—*James Hudson*, Kingston-upon-Hull, Yorkshire, licensed victualler, Jan. 19 at 10, County Court of Yorkshire, at Kingston-upon-Hull.

The following Persons, who, on their several Petitions filed in the Court, have obtained Interim Orders for Protection from Process, are required to appear in Court as herein-after mentioned, at the Court-house, in Portugal-street, Lincoln's Inn, as follows, to be examined and dealt with according to the Statute:—

Jan. 16 at 10, before the CHIEF COMMISSIONER.

*George Powell Robinson*, Joves-terrace, East India-road, Poplar, Middlesex, ship joiner.—*Medmer George Goodwin*, Stafford-place, Pimlico, Middlesex, clerk to a surveyor.—*A. Van Crevel*, Mansell-street, Goodman's-fields, Middlesex, commission agent.

Feb. 21 at 10, before Mr. Commissioner MURPHY.

*Thomas Dawson*, St. Martin-street, Leicester-square, Middlesex, cab driver.—*James Dexter*, Mile-end-road, Middlesex, harness maker.—*Emma Hadlow*, spinster, Upper Fountain-place, City-road, Middlesex, in no business.—*Mary Ann Hadlow*, spinster, Upper Fountain-place, City-road, Middlesex, in no business.—*George Boughton*, Harwood-place, Hampstead-road, Middlesex, tailor.—*Henry Gibson*, Lee's-

place, Westminster-road, Surrey, firework maker.—*Elizabeth Mary Ann Tidy*, widow, Gloucester-crescent, Regent's-park, Middlesex, boarding-house keeper.—*James Lowe*, Greenwood-street, Stepney, Middlesex, twine maker.—*Wm. Bennett*, St. James's-walk, Clerkenwell, Middlesex, pearl stud and button maker.—*Elizabeth Howe Martin*, Wells-street, Oxford-street, Middlesex, assistant to a staymaker.—*John Collins*, Fellowes-street, North Pearson-street, Kingsland-road, Middlesex, circular sawyer.—*Henry David King*, Ely-place, Lower-road, Islington, Middlesex, corn dealer.

*Feb. 22 at 11, before Mr. Commissioner PHILLIPS.*

*C. E. Grace*, Union-row, Union-road, Rotherhithe, Surrey, waterman.—*Nathan Lyons*, London-road, Southwark, Surrey, dealer in fancy goods.—*Lewis John Thomas Howard*, Brick-lane, Spitalfields, Middlesex, sieve maker.—*Charles H. Claston*, Pleasant-place, Kingsland-road, Middlesex, soap maker.—*Thos. Chapman Adkins*, Battersea-rise, Surrey, carpenter.—*Joseph Symes*, Warwick-street, Fimlico, Middlesex, greengrocer.—*Edward Housego*, Wimbledon, Surrey, saddler.—*Joseph Binns*, Crown-street, Walworth-road, Surrey, coffee-house keeper.—*Wm. Frost*, Chapel-court, Long-acre, Westminster, Middlesex, coachsmith.—*Francis Miller*, Everholt-street, Camden-town, Middlesex, vocalist.

*Saturday, Dec. 30.*

*Assignees have been appointed in the following Cases. Further particulars may be learned at the Office, in Portugal-street, Lincoln's-inn-fields, on giving the Number of the Case.*

*Samuel Wallwyn Darke*, Red Lion-square, Middlesex, attorney-at-law, No. 27,602 T.; *Samuel Sturgis*, new assignee; *W. Warne*, late assignee, deceased.—*J. Thomas*, Garnwen, Llanarthney, Carmarthenshire, farmer, No. 72,415 C.; *John Davies*, assignee.

*Saturday, Dec. 30.*

*Orders have been made, vesting in the Provisional Assignee the Estates and Effects of the following Persons:—*

*(On their own Petitions).*

*Philemon Price Ward*, Drury-lane, Middlesex, clerk to a coach ironmonger: in the Queen's Prison.—*Geo. Giles W. Thatcher*, Manor-street, Clapham, Surrey, whitesmith: in the Gaol of Surrey.—*Simonne Victoire Kirton*, widow, Princes-street, Hanover-square, Middlesex, lodging-house keeper: in the Debtors Prison for London and Middlesex.—*Samuel Seaborne*, Upper Berkeley-street, Portman-square, Middlesex, servant of one of the colleges in the University of Oxford: in the Debtors Prison for London and Middlesex.—*John Drake Palmer*, New North-street, Red Lion-square, Holborn, Middlesex, inspector to the London Gas Company: in the Debtors Prison for London and Middlesex.

*(On Creditor's Petition).*

*George Napoleon Henderson*, St. Peter-street, Islington, Middlesex, printer: in the Debtors Prison for London and Middlesex.

*(On their own Petitions).*

*Robert Withers*, St. George, Gloucestershire, assistant to a horse dealer: in the Gaol of Bristol.—*Thomas Hatherly*, Monkwearmouth, Durham, mariner: in the Gaol of Durham.—*M. Cocks*, Ipswich, Suffolk, baker: in the Gaol of Ipswich.—*H. Laybourn*, Kingston-upon-Hull, shipbroker: in the Gaol of Kingston-upon-Hull.—*J. Shattock*, Tranmere, near Liverpool, attorney-at-law: in the Gaol of Lancaster.—*Thomas Wallon*, York, out of business: in the Gaol of York.—*Wm. Neve*, Gorleston, near Great Yarmouth, Suffolk, miller: in the Gaol of Ipswich.—*Edward Snow*, Southampton, builder: in the Gaol of Winchester.—*Henry James Marshall*, King-

ston-upon-Hull, beer retailer: in the Gaol of Kingston-upon-Hull.—*Anne Pardoe*, widow, Worcester: in the Gaol of Worcester.—*Henry Southern*, Staleybridge, Lancashire, retail dealer in ale: in the Gaol of Lancaster.—*Robert Woodall*, Pendleton, near Manchester, estate agent: in the Gaol of Lancaster.—*Wm. A. Alger*, Manchester, commission agent: in the Gaol of Lancaster.—*Wm. Foulds*, Blackburn, Lancashire, out of business: in the Gaol of Lancaster.—*T. Moore*, Hulme, Manchester, out of business: in the Gaol of Lancaster.—*Samuel Woodall*, Altrincham, near Manchester, out of business: in the Gaol of Lancaster.—*John Davies*, Andover, Southampton, saddler: in the Gaol of Winchester.—*Henry James Whiteheart*, Landport, Portsea, Southampton, builder: in the Gaol of Winchester.—*Henry Stone*, Brockhurst, near Gosport, Southampton, stonemason: in the Gaol of Winchester.—*David Duke*, Caistor, Lincolnshire, travelling draper: in the Gaol of Lincoln.—*H. Wain*, Leicester, wood cleaver: in the Gaol of Leicester.—*Wm. Staves*, Kingston-upon-Hull, shoemaker: in the Gaol of Kingston-upon-Hull.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-street, to be examined and dealt with according to the Statute:—*

*Jan. 16 at 10, before the CHIEF COMMISSIONER.*

*Wm. King*, High-street, Hoxton Old-town, St. Leonard's, Shoreditch, Middlesex, tobaccoconist.

*Jan. 16 at 10, before Mr. Commissioner MURPHY.*

*George Cummins*, Windmill-place, High-st., Camberwell, Surrey, out of business.

*The following Prisoners are ordered to be brought up before a Judge of the County Court, to be examined and dealt with according to the Statute:—*

*At the County Court of Devonshire, at EXETER, Jan. 16.*

*G. E. Chambers*, Plymouth, out of business.

*At the County Court of Gloucestershire, at GLOUCESTER, Jan. 18 at 10.*

*J. Tyler*, Croft's End, St. George's, near Bristol, gardener.

*At the County Court of Herefordshire, at HEREFORD, Jan. 18 at 10.*

*Thomas Hodges* the elder, Eardisland, shoemaker.

*At the County Court of Suffolk, at IPSWICH, Jan. 19 at 9.*

*Wm. Arnold*, Bacton, near Framlingham, veterinary surgeon.—*Wm. C. Mansfield*, Ipswich, solicitor.—*B. Barrett*, Ipswich, sculptor.—*Kemble Weeding*, Eye, yeoman.—*Moses Cocks*, Ipswich, baker.

*At the County Court of Yorkshire, at KINGSTON-UPON-HULL, Jan. 19.*

*Wm. Staves*, Kingston-upon-Hull, shoemaker.

*At the County Court of Sussex, at LEWES, Jan. 23.*

*John Edwards*, Brighton, coachmaker.

**INSOLVENT DEBTOR'S DIVIDEND.**

*John Trott*, Stainton Dale, near Scarborough, farmer, Jan. 15, at Stephenson's, Whitty: 3s. 6d. in the pound.

The Right Hon. Sir John Jervis, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has appointed William Cochrane, of Grantham, Lincolnshire, Gent., to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, in and for the borough and soke of Grantham, with its limits in the county of Lincoln; also in and for the parts of Kesteven, in the same county.



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